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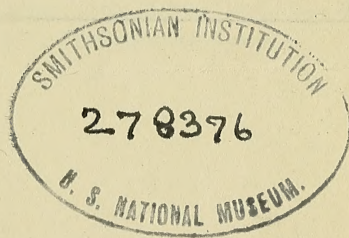
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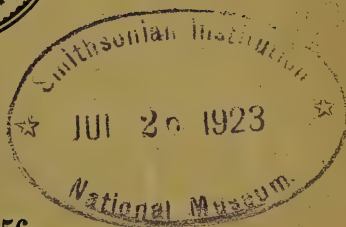
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Table of Contents

VOLUME X

- 56. The American Struggle for the British West India Carrying-Trade, 1815-1830. By F. Lee Bennis, Ph.D., Assistant Professor of History in Indiana University.
- 57. The Adventures of Gilbert Imlay. By Ralph Leslie Rusk, A.M., Assistant Professor of English in Indiana University.
- 58. The Gall Wasp Genus *Neuroterus* (Hymenoptera). By Alfred C. Kinsey, S.D., Associate Professor of Zoölogy in Indiana University.
- 59. A Social Study of Mental Defectives in County H., Indiana, in 1918. By Hazel Irene Hansford, Ph.D., Head of the Out-Patient Department, Southeastern Indiana Hospital for the Insane.
- 60. *Poesias barias y recreacion de buenos ingenios*. A Description of Ms. 17556 of the Biblioteca Nacional Matritense, with Some Unpublished Portions Thereof. By John M. Hill, Ph.D., Professor of Spanish.

INDIANA UNIVERSITY STUDIES



Study No. 56

THE AMERICAN STRUGGLE FOR THE BRITISH WEST INDIA CARRYING-TRADE, 1815-1830. By F. LEE BENNS, Ph.D., Assistant Professor of History in Indiana University.

Study No. 57

THE ADVENTURES OF GILBERT IMLAY. By RALPH LESLIE RUSK, A.M., Assistant Professor of English in Indiana University.

The INDIANA UNIVERSITY STUDIES are intended to furnish a means for publishing some of the contributions to knowledge made by instructors and advanced students of the University. The STUDIES are continuously numbered; each number is paged independently.

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STUDY No. 56

THE AMERICAN STRUGGLE FOR THE BRITISH WEST
INDIA CARRYING-TRADE, 1815-1830. By F. LEE
BENNS, Ph.D., Assistant Professor of History in Indiana
University.

The American
Historical Association
awarded this monograph the
JUSTIN WINSOR PRIZE IN
AMERICAN HISTORY
for 1920

Preface

THE great importance of the British West India carrying-trade to the merchants of the North American colonies during the seventeenth and eighteenth centuries has long been recognized. The success of the American Revolution, however, placed the United States outside the British colonial system and brought the legal exclusion of American ships from the remaining British colonies. But, since American merchants were reluctant to lose this valuable trade, they induced their Government to undertake to recover it for them. The purpose of this study is to trace the diplomatic and legislative struggle waged by the United States Government in the attempt to regain for American merchants the right to participate in the trade between the United States and the British colonies in the West Indies.

This campaign of the American Government began with the negotiations leading to the treaty of peace in 1783 and continued for nearly a half-century thereafter; but for various reasons it became a real struggle only during the years from 1815 to 1830. This study is therefore concentrated on the later period, and the preceding campaign from 1783 to the War of 1812 is but briefly sketched in an introductory chapter. Following this, one chapter is devoted to each of the five more or less distinct phases into which the struggle proper falls. During these later years the question constantly aroused suspicion, jealousy, fear, and enmity on each side of the Atlantic; threats and rumors of war were heard in both countries in the heat of the discussions. Not until the final settlement of the question by the Reciprocity of 1830 did the carrying-trade between the United States and the British West Indies cease to constitute a persistent, disturbing factor in Anglo-American relations.

My research in this particular field of history was undertaken at the suggestion of Professor George Hubbard Blakeslee of Clark University. To him I am indebted for helpful guidance in the search for material, and for careful reading and stimulating criticism of the original manuscript. For

courtesies and privileges extended to me during my research I am under obligation to Mr. Clarence S. Brigham of the American Antiquarian Society Library, Dr. Louis N. Wilson of the Clark University Library, Mr. W. B. Briggs of the Harvard University Library, and Mr. Robert K. Shaw of the Worcester Free Public Library. Finally, I wish to acknowledge the great debt which I owe to my wife who, by doing much of the wearisome, mechanical work which is necessary in a task of this kind, gave me greater freedom for research itself.

F. LEE BENNS.

Indiana University.

Contents

CHAPTER	PAGE
I. The Historical Antecedents	7
II. The United States Resorts to Retaliation	29
III. Great Britain Makes Concessions	54
IV. The United States Overreaches Itself	87
V. Great Britain Rejects Further Negotiations	121
VI. The Reciprocity of 1830	163
Bibliography	189
Index	201

The American Struggle for the British West India Carrying-Trade, 1815-1830

By F. LEE BENNS, Ph.D., *Assistant Professor of History,
Indiana University*

CHAPTER I. THE HISTORICAL ANTECEDENTS

DURING the eighteenth century, there were not, perhaps, two countries within the same distance from one another and with such easy and prompt communication which had products so essentially different as the West Indies and the British colonies in North America. The former produced sugar, molasses, rum, coffee, indigo, and salt; the latter, bread, flour, grain, meats, fish, lumber, cattle, and horses. The North American colonies welcomed the tropical products of their neighbors to the south; while nowhere else, so readily and cheaply as in the North American colonies, could the West India planters secure the provisions and products which were so essential to their existence.¹ It was only natural therefore that between the British West Indies and the American colonies, while they were parts of the same empire, there should have developed a very prosperous and mutually beneficial trade, a trade which became, in fact, the corner stone of American commerce. It was essentially a trade of short voyages, suited to small capital, and employing many hands and much navigation.² Approximately five hundred vessels, generally sloops and schooners, single-decked, and without top masts, were employed. More than one-third of the vessels clearing from Boston and New York in the decade before the American Revolution sailed for British West India ports. To these ports the American colonies exported their products annually to the amount of some \$3,500,000.³

The success of the American Revolution changed all this,

¹ Edwards, *Hist. of the British West Indies*, II, 486-489.

² *Works of Daniel Webster*, III, 237.

³ Edwards, *Hist. of the British West Indies*, II, 488. Coman, *Indust. Hist. of the U.S.*, 114.

however. With the recognition by Great Britain of the independence of the United States, the latter became automatically excluded by the existing navigation acts from direct commercial intercourse with the British West Indies. That this might be the case, the American colonists had realized, and their anxiety on the subject of future commercial intercourse is seen in the fact that the commissioners who were sent to negotiate the treaty of peace were also empowered to conclude a commercial convention.⁴ Since the campaign to gain the legal right for American vessels to enter the ports of the British West Indies was, in the early years, coupled with the general commercial negotiations, it may therefore be said to have had its beginning in the very negotiations which led to the recognition of the United States by Great Britain. In this first move, however, the American diplomats were unsuccessful, for the British Government was, at that time, unwilling to take any other step in its diplomatic relations with America than the acknowledgment of the independence of the country.⁵ Nevertheless, the American Government persisted, and Congress by a resolution of the 1st of May, 1783, only ten days after the ratification of peace, again ordered a commission and instructions to be prepared for their commissioners in Europe to make a treaty of commerce with Great Britain before returning. But this second attempt was equally unsuccessful.⁶

Meanwhile, with the return of peace, trade with the British West Indies had been renewed upon the former terms,—but only for a short time. At the suggestion of Lord Nelson, then stationed in the West Indies, the British navigation acts were invoked against American vessels, and the basis was laid for the long controversy between the two countries over the colonial trade.⁷

Had all the British statesmen of that period held the liberal views of William Pitt, this controversy would have been of only short duration. In March, 1783, he introduced into Parliament a bill which among other things admitted American ships into the British West Indies with any American goods, and permitted them to export from those colonies to the

⁴ Lyman, *Diplomacy of the U.S.*, 193.

⁵ *Ibid.*, 193.

⁶ *Ibid.*, 193. *Works of John Adams*, VIII, 146.

⁷ *Am. Annual Register*, 1829-30, p. 34.

United States any goods whatsoever. And these imported or exported goods were to pay the same duties and charges only as similar goods, the property of British natural-born subjects and imported or exported in British-built ships navigated by British seamen. This bill would have removed at once a source of irritation which, on the contrary, remained active for approximately half a century.⁸ For, unfortunately, not all the statesmen of Great Britain took this favorable attitude. "There was a choice to be made between opposite ideas: one, leading to hearty conciliation and the establishment of relations of true reciprocity; the other, removing further and further the distance between the kindred peoples, and confirming the alienation which warfare had begun. The majority decided: and they preferred the latter."⁹

The opposition was aided in the formation of its opinion by a pamphlet which appeared in 1783, written by Lord Sheffield. The author maintained that the Americans, by asserting their independence, had renounced not only the duties but the privileges of British subjects. Their ships, therefore, should not be admitted into the British West Indies lest the navigation interests of the mother country should lose in competition with them. To quiet the fears of those who might have apprehensions of American retaliation, he explained that British manufactures were more necessary to the Americans than the products of the latter were to the British; that at least four-fifths of the importations from Europe into the American States were at all times made upon credit; that the States were in greater need of credit at that time than at any former period; and finally, that credit could be obtained only in Great Britain. Further, the American States were not to be feared as a nation by Great Britain as they could not easily be brought to act together. No treaty with them was necessary.¹⁰ These ideas are said to have been furnished him by Silas Deane, a citizen of the United States, once high in public favor, who was at that time in England, and who made known to Lord Sheffield the facts upon which the latter based his assertions.¹¹ This pamphlet produced a decisive

⁸ Edwards, *Hist. of the British West Indies*, II, 493, 494, note. *Works of John Adams*, I, 421, 422.

⁹ *Works of John Adams*, I, 421.

¹⁰ Sheffield, *Observations on the Commerce of the American States with Europe and the W. Indies*, 2, 107, 109, 111, 112.

¹¹ *Am. Annual Register*, 1826-27, pp. 42, 43.

effect upon the public mind in England so that the hope of temporary gain prevailed and Pitt's law was relinquished.

The coalition ministry which succeeded that of Shelburne and Pitt demolished the whole system of friendly intercourse with America which Pitt's bill was about to introduce. The regulation of the trade was committed to the discretion of the King in council. Earnest discussion immediately arose as to the manner in which this power of the Crown should be exercised. On the one hand, the West India planters urged the admission of American ships on the old basis, maintaining that they would suffer severely if the colonial ports were closed against them. On the other hand, the loyalists of the North American colonies, supported by the ship-owners of Great Britain, insisted upon excluding the Americans from the trade. The final outcome of this conflict within the British empire was an order in council, dated July 2, 1783, restricting the trade between the United States and the British colonies to a very small number of articles *to be carried exclusively in British ships*.¹²

This order was exceedingly unpopular in the United States, but not there only. Bitter opposition continued from the British West Indies themselves. In 1784 nearly every island sent remonstrances and petitions to the British Parliament explaining its dependence on America for supplies. The legislature of Jamaica declared that the trade with America was absolutely necessary to afford the planters a chance of carrying on their estates or of supplying their families with bread.¹³ Terrible sufferings visited the population of the West India colonies. Between 1780 and 1787 as many as fifteen thousand slaves perished from starvation, having been unable to obtain the necessary supply of food when local crops had been destroyed by hurricanes.¹⁴ But the complaints of the West India planters and merchants went unheeded; the British colonial system must be maintained.

Nevertheless the United States Government continued its campaign. In February, 1785, John Adams was chosen min-

¹² Hill, "The Navigation Laws of Great Britain and the U.S." (*Jour. of Soc. Sci.*, IX, 108). "Brit. Colonial and Navigation System" (*Am. Quart. Rev.*, II, 274).

¹³ Gardner, *Hist. of Jamaica*, 212, 213. Edwards, *Hist. of the British West Indies*, II, 496, 497. Bridges, *Annals of Jamaica*, II, 192, 193.

¹⁴ Edwards, *Hist. of the British West Indies*, II, 511-515 (extract from a report of a committee of the assembly of Jamaica).

ister plenipotentiary and sent as the first envoy to Great Britain.¹⁵ Early the next year he made known to the British Government that the United States was willing to throw wide open its ports to British ships and goods upon the reciprocal stipulation of Great Britain that her ports should be equally open to American ships, merchants, and produce.¹⁶ But the British were loath to conclude a treaty. Adams depicts them as saying: "To what end a treaty of commerce when we are sure of as much American trade as we have occasion for without it? There must be a quid pro quo—and what have the United States to give in exchange for the liberty of going in their own ships to our sugar colonies and our colonies upon the continent?" When they were reminded that "The Americans allow Britons to come in their own vessels to all their ports in the United States and this is more than a quid for your quo", the Briton replied, "But you cannot avoid this; you have no government; you cannot agree to prohibit our ships and goods, or to lay duties on them."¹⁷

America wished full reciprocity; Great Britain desired the maintenance of her old, exclusive colonial system. "It was inherent in the general condition of world politics that America should be seeking new things and Great Britain should be standing by the old."¹⁸ And Great Britain, having at that time the whip-hand, believing that her commerce would flourish without a treaty with the United States and without opening her West India or North American colonies, and being actuated by a growing jealousy and fear that the new American States would develop as a maritime rival, changed the objective point of her policy from Europe to the new continent, and, from 1783 on, leveled it steadily at a repression of the shipping of the American Republic. Practically the same policy which had been earlier pursued toward the Dutch was now initiated in regard to America.¹⁹

Adams perceived this attitude soon after arriving in England and wrote to Jefferson recommending that the United States should take retaliatory measures to meet the situation.²⁰ The powers of the old Congress, under the Articles of Con-

¹⁵ Lyman, *Diplomacy of the U.S.*, 193.

¹⁶ *Works of John Adams*, VIII, 383.

¹⁷ *Ibid.*, VIII, 274, 275.

¹⁸ Dunning, *British Empire and the U.S.*, 39.

¹⁹ *Works of John Adams*, VIII, 291, 353. Hall, *Am. Navigation*, 25.

²⁰ *Works of John Adams*, VIII, 292.

federation, however, were incompetent to the adoption and enforcement of a system of regulations for the trade which should countervail those of Great Britain. The power to regulate commerce rested in the respective States, and one after another as they felt the pressure of the British system, each of them attempted, by separate legislation, to counteract it, but their helter-skelter measures failed of their purposes. British ships and British goods still came into the ports of the States which had not yet enacted their laws or had abandoned as useless those which they had enacted, and American ships lay idle at their moorings.²¹

As early as 1785 Adams had arrived at the conviction that the United States would never secure a satisfactory arrangement from Great Britain until Congress should be made supreme in matters of foreign commerce and treaties of commerce, and until Congress should have exacted that supremacy with a decent firmness. In fact he had already suggested to Secretary Jay that it might be necessary for the States to give Congress unlimited authority to enter into commercial treaties for a limited number of years, as well as to confer upon Congress authority to regulate the external commerce of all the members of the Confederation for a like period.²²

Some of the States themselves gradually came to realize this need. In 1785 the legislature of New York did vest in the American Congress the powers to prohibit any goods from being imported into, or exported from, any of the United States in vessels belonging to, or navigated by, the subjects of any power with whom the United States should not have formed treaties of commerce; and also with powers to prohibit the subjects of any other foreign country, unless authorized by treaty, from importing into the United States any goods which were not the produce or manufacture of the dominions of the sovereign whose subjects they were.²³ The legislature of Pennsylvania was not to be outdone by that of New York. Upon receipt of a memorial from a committee of the merchants and traders of the city of Philadelphia, it passed resolutions to the effect, first, that the system of state regulation of trade was no longer compatible with the gen-

²¹ *Works of John Adams*, VIII, 336. Marvin, *The Am. Merchant Marine*, 32. Keiler, *American Shipping*, 23.

²² *Works of John Adams*, VIII, 289, 273, 274.

²³ *Ibid.*, VIII, 279, 280.

eral welfare of the United States as shown by the fact that it was productive of mutual inconvenience and injuries among the states themselves, and by the fact that the systems of several nations could not be consistently or effectually counteracted; secondly, that Congress be requested to devise such a system of commercial powers as they ought necessarily to be invested with, to be recommended to the States; and, finally, that Congress be assured of finding the most suitable disposition on the part of Pennsylvania to comply therewith.²⁴

The action of these States, no doubt, had its effect; but so also did the fact that trade fell into the hands of foreign merchants, that American commerce itself was in a languishing state, and that the General Government acknowledged its inability to afford adequate protection to these great interests of the country. Influences such as these combined to give an impulse to the public mind which resulted finally in the adoption of the Federal Constitution.²⁵

In view of the influences which brought about the constitutional movement, it is not surprising that the earliest petitions addressed to Congress and its earliest legislation related to commerce and shipping. In fact, the very first act passed at the first session of the First Congress, with the exception of a purely formal statute in reference to the taking of oaths, was an act imposing tonnage duties which discriminated against foreign-built and foreign-owned ships.²⁶ The proposal was made by Madison, who thruout his speeches voiced his indignation at the hostile and contemptuous utterance of Great Britain towards the United States, and who avowed his own disposition to meet interdict with interdict "until we should be allowed to carry to the West India Islands in our own vessels the produce of America, which necessity compels them to take".²⁷ There was even talk in the Senate of imposing an increased tonnage duty on all foreign ships that should load in the United States with American produce for any place in America to which American ships were not permitted to carry their own produce. This, it was argued, would be a means of placing the trade between the United

²⁴ "Brit. Colonial and Navigation System" (*Am. Quart. Rev.*, II, 275).

²⁵ *Am. Annual Register*, 1826-27, p. 43.

²⁶ *House Jour.*, 1 Cong., 1 Sess., 33, 50. *Public Statutes at Large*, I, 27, 28. Soley, "Maritime Industries of Am." (in Shaler, *The U.S. of Am.*, 523, 524).

²⁷ "Brit. Colonial and Navigation System" (*Am. Quart. Rev.*, II, 279).

States and the territory of other powers in North America and the West Indies on a more beneficial and permanent footing. But no definite action was taken.²⁸

Nevertheless, the Government did not remain inactive in this matter. Within three months after the passage of the discriminating tonnage act, even before he had a secretary of state, Washington himself wrote to Gouverneur Morris, who was then in England, desiring him to converse with the British ministers to find out whether they were inclined to a treaty of commerce with the United States, on any, and what, terms. In regard to the British West Indies, Washington strongly impressed upon Morris the fact "that the privilege of carrying our productions in our vessels to their islands, and bringing in return the productions of those islands to our ports and markets, is regarded here as of the highest importance", and warned him to "be careful not to countenance any idea of our dispensing with it in a treaty". As a result of the conversations which Morris had with the British ministers, the American Government was finally forced to infer that Great Britain was not disposed to enter into any arrangements merely commercial at that time. Morris believed that the British Government was divided, and that those who wished to be on the best terms with America were outnumbered by those "whose sour prejudices and hot resentments" rendered them averse to every intercourse except that which might immediately subserve a selfish policy.²⁹

Meanwhile petitions were presented in Congress from places as widely separated as Portsmouth and Charleston, praying Congress to do something to prevent foreigners from carrying American goods to places where citizens of the United States were prohibited from carrying them, until finally the House, early in 1791, ordered the Secretary of State to report regarding the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and what measures he thought proper to be adopted for the improvement of American commerce and navigation.³⁰ When, almost two years later, Jefferson submitted his lengthy report on this subject, his recommendations in regard to the situation in the British West Indies were summed up as follows:

²⁸ *Senate Jour.*, 1 Cong., 1 Sess., 52, 86, 87.

²⁹ *Am. State Papers, For. Rel.*, I, 122, 121, 126, 127.

³⁰ *House Jour.*, 1 Cong., 2 Sess., 65. *Ibid.*, 1 Cong., 3 Sess., 60, 78.

Where a nation refuses to our vessels the carriage even of our own productions, to certain countries under domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries. But, as justice and good neighborhood would dictate that those who have no part in imposing the restrictions on us, should not be victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power, other than the inhabitants of the country to which the said productions are carried.³¹

Jefferson here foreshadowed a course very similar to that adopted by the American Government some quarter of a century later; but at the time action such as he recommended was not taken.

Washington evidently believed that the resources of diplomacy had not yet been exhausted, a belief in which he was strongly supported by Hamilton. According to the latter, there were only two courses open to the President, either "preparation for war, and negotiations unincumbered by measures which forbid the expectation of success, or immediate measures of a coercive tendency, to be accompanied with the ceremony of a demand for redress". Of the two courses, Hamilton favored the former, and advised Washington, in case this course appealed to him also, to nominate a person who would have the confidence of those who thought peace still within reach, and who might be thought qualified for the mission as envoy extraordinary to Great Britain, to adjust the causes of misunderstanding between the two countries. For this task, Hamilton believed that, of all the persons free from any constitutional objections, Jay was the only man in whose qualifications for success there would be thoro confidence, and advised his nomination.³² Apparently Washington followed Hamilton's advice, for two days later, April 16, 1794, he nominated John Jay as envoy extraordinary of the United States to the British Government.³³

Hamilton, in a memorandum to Washington of points to be considered in preparing Jay's instructions, included the privilege to carry to the West India Islands in our vessels of certain burthens (say not less than sixty tons, nor more than eighty tons) all such articles as may now be carried thither from the United States in British bottoms; and to bring from thence directly to the United States

³¹ *Am. State Papers, For. Rel.*, I, 304.

³² *Works of Alex. Hamilton*, IV, 298, 299.

³³ *Am. State Papers, For. Rel.*, I, 447.

all such articles as may now be brought from thence to the United States in British bottoms.³⁴

Hamilton was aware that an act of Parliament had been passed allowing foreign European vessels, single-decked and not exceeding seventy tons burthen, to carry to specified ports in the British West Indies certain enumerated articles and also to export certain articles in return, a fact which was not generally known at that time in America. He believed that this act would give a precedent for a departure from the navigation acts in favor of the United States also.³⁵ Hamilton's recommendation was incorporated in Jay's instructions, with the proviso that a treaty on such terms should not exceed a period of fifteen years.³⁶

In August of that year, Jay, in the "Outlines for a Convention and Treaty of Commerce" which he submitted to Lord Grenville, included the following article in regard to the British West India trade:

It is agreed that it shall and may be lawful for the said United States and their citizens to carry, in their own vessels, of the burthen of one hundred tons, or under, from the said United States, any goods, wares and merchandises which British vessels now carry from the United States to any of His Majesty's islands or ports in the West Indies, and shall pay in the said islands and ports only such rates of tonnage as British vessels do, or shall be liable to pay in the United States; and only such other charges, imposts, and duties as British vessels and cargoes laden in, and arriving from, the United States now are or hereafter shall be, lawfully liable to in the said islands and ports: and that it shall and may be lawful for the said American vessels to purchase, lade and carry away, from the said islands and ports, all such of the productions and manufactures of the said islands as they may think proper, and paying only such duties and charges on exportations as such vessels and cargoes if British would be liable to: *Provided always*, That they carry and land the same in the United States and at no place whatever out of the same: it being expressly agreed and declared that West India productions or manufactures shall not be transported in American vessels either from His Majesty's said islands or from the United States, to any port of the world except the United States, reasonable sea stores excepted, and excepting, also, rum made in the United States from West India molasses.³⁷

It will be noticed that this project was practically the same as Hamilton's memorandum to Washington, except for the last

³⁴ *Works of Alex. Hamilton*, IV, 303.

³⁵ *Ibid.*, IV, 311.

³⁶ *Am. State Papers, For. Rel.*, I, 473.

³⁷ *Ibid.*, I, 487.

proviso, agreeing that American vessels should carry no West India goods to any other place than the United States, and should not export any of them from the United States to any other country. This clause was added by Jay, no doubt after having sounded the British commissioners on the general proposal. And it was this proviso which later aroused so much opposition in the United States.

Jay's proposal appears to have been generally acceptable to the British Government, for Lord Grenville, in his counter-project, changed it in only two respects. American ships should not be above the burden of seventy tons, and the article should be continued in force only during the war in which Great Britain was then engaged and for two years after the signature of the preliminary articles of peace, altho the treaty as a whole was to be in force for twelve years. It was agreed that at the expiration of this term, the two countries should treat further concerning the arrangement of the British West India commerce.³⁸

Secretary of State Randolph was not altogether satisfied with this provision regarding the British West India trade. He believed, in the first place, that the short duration of the privilege rendered it of inconsiderable value; secondly, that if the final proviso meant that American ships should not export any West India products from the United States even tho imported from the West India possessions of countries other than Great Britain, the United States would renounce a valuable branch of trade; and, thirdly, that even if the proviso was construed in its mildest significance (that the United States could not re-export British West India productions, after they had been brought to the United States in British or American vessels), the provision was unreasonable and dictated too much to the United States in what manner a certain portion of its foreign export trade was to be conducted.³⁹

But before Randolph's observations had been received, Jay had already concluded a Treaty of Amity, Commerce, and Navigation, incorporating in Article XII the counter-project regarding the British West India trade which had been submitted by Lord Grenville, with the definite specification in the final proviso that *no* molasses, sugar, coffee, cocoa, nor

³⁸ *Ibid.*, I, 490.

³⁹ *Ibid.*, I, 511, 512.

cotton could be exported from the United States in American ships.⁴⁰

That Jay believed the article regarding the West India trade to be favorable to the United States is evident from the fact that he considered the "privilege" of trading to those islands as providing for the American claim to compensation for the British detention of the ports in the Northwest, a claim which he had at first strenuously urged.⁴¹ Nor was he deceived as to the meaning of the proviso. On the contrary, he clearly realized that the article did prohibit the re-exportation from the United States, in American vessels, of the West India commodities enumerated in the treaty, even tho brought from French islands. And yet he believed that it was manifestly to the interest of the United States to accept it, because of the probability of its being introductory to more favorable arrangements, "as the public mind in Britain shall gradually become more reconciled to this, and the other unprecedented departures from their favorite navigation act".⁴²

In fact Jay seems to have been ignorant that these restrictions would hamper American commerce. He seems to have been unaware that cotton had already been introduced into the United States and had become an article of export.⁴³ This is not strange, perhaps, since only a few years before scarcely enough was raised in the United States for domestic consumption.⁴⁴ By 1795, however, it had become an article of export, tho when the treaty was made, the amount could not be ascertained, for till 1802 no discrimination was made between cotton of domestic and of foreign growth. This proviso, nevertheless, would certainly have stopped the export of cotton which amounted, at the time the twelfth article would have expired by its own limitation, to about 45,000,000 pounds annually.⁴⁵

Altho Jay may have failed to realize the probable effect of the proviso, many others in America did not.⁴⁶ When the treaty was submitted to the Senate in June, 1795, that body promptly and vigorously disapproved of Article XII. It ad-

⁴⁰ *Am. State Papers, For. Rel.*, I, 522.

⁴¹ *Ibid.*, I, 494.

⁴² *Ibid.*, I, 520.

⁴³ Pellew, *John Jay*, 309.

⁴⁴ Marshall, *Life of Washington*, 361.

⁴⁵ Lyman, *Diplomacy of the U.S.*, 219, 220.

⁴⁶ Gibbs, *Administrations of Washington and Adams*, I, 201, 213, 214. *Works of Alex. Hamilton*, IV, 345, 346.

vised ratification only "on the condition that there be added to the said treaty, an article, whereby it shall be agreed to suspend the operation of so much of the 12th Article as respects the trade which his said Majesty thereby consents may be carried on between the United States and the Islands in the West Indies in the manner and on the terms and conditions therein specified". And the Senate advised Washington to proceed without delay to further negotiations with the British Government on the subject of this trade.⁴⁷

The President, consequently, consulted Jay regarding points which the latter might think fit subjects for further friendly negotiations on the West India trade with Great Britain.⁴⁸ In reply, Jay mentioned one or two points, but stated his opinion that the present moment was unfavorable for negotiations. He believed the British Government would be strongly inclined to avoid the risk of appearing to be apprehensive of the United States, as might be the case if it multiplied facilities to the latter at that particular time. Further, he doubted the policy of introducing into the negotiations any propositions which might defer the ultimate ratification of the treaty so late as to prevent the British Government from issuing orders to evacuate the ports by the time originally specified.⁴⁹ This view seems to have prevailed, for with Great Britain's consent the treaty was ratified with the British West India article expunged. As a consequence the trade with those islands was left in the same condition as before the opening of negotiations.

Altho the failure to gain the admission of American navigation to the British West Indies on terms acceptable to the American Government legally meant the continued loss to American shipping interests of that fruitful branch of their trade, the situation was not so bad as it appeared on paper. Early in 1793 war had broken out between France and Great Britain, and in the years following, until the return of peace, British shipping was so greatly in demand in the East and elsewhere that the navigation acts were not enforced in the British West Indies.⁵⁰ Proclamations of the governors of various of these islands began to appear almost at once inviting

⁴⁷ Gibbs, *Administrations of Washington and Adams*, I, 203.

⁴⁸ *Correspondence and Public Papers of John Jay*, IV, 188.

⁴⁹ *Ibid.*, IV, 189-191.

⁵⁰ Gardner, *Hist. of Jamaica*, 241. *Am. State Papers, For. Rel.*, VI, 254, 255.

the import of "flour, bread, wheat, rice, or grain of any sort, staves, heading, shingles, or lumber of any sort, horses, horned cattle or live stock of any kind", from the United States or elsewhere, in all ships and vessels belonging to the United States or to any of the West India colonies at peace with Great Britain.⁵¹ Jamaica threw open her ports even to salted provisions which had heretofore been rigorously excluded.⁵² One of the British consuls-general in the United States went so far indeed as to publish notices in American newspapers in 1796 announcing that American vessels might carry goods to Martinique and receive rum and molasses in exchange for their respective cargoes.⁵³ In this same year the House of Assembly of the Bahama Islands urged that two or more fast-sailing vessels be dispatched to some of the southern ports of the United States to announce the scarcity of provisions at that time prevailing in those islands, and recommended the granting of bounties upon all flour, rice, corn, and peas which might be imported for a limited time.⁵⁴

In view of these conditions, it is not surprising that American shipping interests once more began to do a prosperous business with the British West Indies. Whereas the total tonnage of American ships entering the United States from those islands for the three years ending September 30, 1792, had averaged only 4,461 tons, for the year beginning October 1, 1793, after the opening of war between France and Great Britain, it jumped to 58,989 tons. This was an increase of more than thirteen fold, and made the total of American tonnage from the British West Indies higher than American tonnage entered from any other country for that year.⁵⁵ And with this increase in American tonnage to the British West Indies came a great increase in the amount of exports to those islands from the United States, mounting gradually from a total of \$2,144,638 for the year ending September 30, 1792, to \$9,699,722, a total approximately four and one-half times larger, for the year ending September 30, 1801.⁵⁶ The English navigation system might still be theoretically in force, but

⁵¹ *Daily Advertiser* (New York), Aug. 6, 1793.

⁵² *Ibid.*, May 5, 1794.

⁵³ *Polar Star and Boston Daily Advertiser*, Dec. 8, 1796.

⁵⁴ Quoted in *Polar Star and Boston Daily Advertiser*, Dec. 31, 1796.

⁵⁵ *Am. State Papers, Commerce and Navigation*, I, 44-47, 217, 264, 330.

⁵⁶ *Ibid.*, I, 218-248, 488, 489.

American shipping interests during this period had no cause to complain.

In the midst of these prosperous conditions came the sudden and unexpected rumor of peace in Europe, sudden and unexpected to Americans, at least. Almost three months before the formal peace was signed, Secretary of State Madison wrote to Rufus King, the American minister at London, explaining the shock which the return of peace would bring to American navigation. He desired that no time might be lost in stating to the British Government the light in which their navigation acts were viewed in America, and in endeavoring to obtain some change that might produce a real equality to the navigation of the two countries.⁵⁷

The American minister followed his instructions at once, and early in 1802 received assurances from Lord Hawkesbury that the subject of the British West India trade would be immediately put in line for examination.⁵⁸ In the course of the conversations which followed, King maintained that the United States might reasonably expect to find, in return for the extensive market which it offered to all sorts of British goods, a market in the British West Indies for certain articles which it was in its power to supply with advantage, but which Great Britain had hitherto prevented. He also advanced a claim to the *right* of American vessels to participate in the trade with the British West Indies, maintaining that when a trade is opened between a colony and a foreign country, the foreign country becomes a party, and has a reciprocal claim to the use of its ships in the trade with that colony. King was here introducing a new note in American diplomacy, for previously both Washington and Hamilton had spoken only of the *privilege* of trading with these islands. In support of this new principle, however, King cited the practice of other nations in Europe, not one of which, he claimed, had refused, whenever a trade was permitted at all between its colonies and a foreign country, to make the carriage common to the vessels of both.⁵⁹

Lord Hawkesbury delayed committing himself for some time, but being pushed by the American minister, finally, in

⁵⁷ *Am. State Papers, For. Rel.*, II, 497.

⁵⁸ *Ibid.*, II, 498.

⁵⁹ *Ibid.*, II, 498, 499.

August, stated that he could give no explicit information whether, or how far, the British Government would be able to accede to the American claims. He explained that any change in their former system would, to some degree, depend upon the probable condition not only of their own but of other colonies, and as they were yet to learn the real situation of St. Domingo as well as some other important colonies, they must wait a little longer before they could form a safe opinion upon this important subject. King intimated that any considerable delay in the decision of this point would operate in the same way as a decision in favor of the old system, and stated that he feared the American Government would think itself obliged to meet the disadvantages to which its navigation was liable under the former system, by regulations which would impose the like disadvantages upon the British navigation.⁶⁰ To these remarks Lord Hawkesbury made no distinct reply, and the matter dragged wearily along until in January, 1803, almost a year after their first conversation, the British minister suggested that King submit a formal note upon the subject for the consideration of the cabinet.⁶¹ This was immediately done but with no results. Whether the matter was pushed aside by others of greater importance or whether its consideration was overtaken by the new outbreak of war in the spring of 1803 is a matter of conjecture.

With the return of war in Europe, American shipping was for a time again given a comparatively clear field in the British West Indies, tho this time its proportion of the trade was not quite so large as in the previous period of war. In 1804, British ship-owners became anxious to increase their trade in the West Indies, and called the attention of their government to the irregularities which were being permitted. In consequence of this, proclamations were issued late in that year in several of the British West Indies interdicting the neutral trade at a date six months later. At once there was excitement in the islands, the inhabitants being divided as to the probable effect of this interdiction. In Kingston, Jamaica, fifty merchants sent a memorial to the governor of the island assuring him that if the ports were definitely closed against the United States, they would obtain an abundance of British Canadian provisions. On the other hand, this was denied

⁶⁰ *Am. State Papers, For. Rel.*, II, 501, 502.

⁶¹ *Ibid.*, II, 503.

by four hundred very respectable inhabitants who, at a meeting in the same city, asserted that the trade with the United States was indispensable.⁶²

These proclamations received some attention in the United States also. Jacob Crowinshield, a Congressman from Massachusetts, spoke against them and introduced a resolution instructing the Committee of Commerce and Manufactures, among other things, to inquire into the expediency of prohibiting the exportation from the United States of all goods in foreign ships bound to any port with which the vessels of the United States were not allowed communication or where a free and unrestricted trade was not permitted in American productions.⁶³ Secretary of State Madison ascribed the regulations partly to the attachment of the British administration at that time to the colonial and navigation system, and partly to the interested representatives of certain merchants and others residing in the British provinces in North America. He felt that the United States, by asserting the principle of a reasonable reciprocity, might reduce the British Government at once to the dilemma of relaxing her regulations or of sacrificing her colonies.⁶⁴

However this might be, the British Government, by an act of Parliament of June 27, 1805, opened its West India Islands to the productions of all colonies or countries in America "belonging to or under the dominion of any foreign European sovereign or state", in any foreign single-decked vessel owned and navigated by persons inhabiting any of those said colonies or countries in America.⁶⁵ Once more the British navigation interests had prevailed in their efforts to curtail American shipping in the British West Indies, this time by extending to other countries in America the privileges denied to the United States.

The treaty of 1794, so far as it related to commerce, had expired on the first of October, 1803, and since that time no agreements had been reached by the two countries in regard to commercial matters.⁶⁶ Consequently on April 19, 1806, President Jefferson nominated James Monroe, then American minister at the Court of London, and William Pinkney of

⁶² Gardner, *Hist. of Jamaica*, 241, 242. Bridges, *Annals of Jamaica*, II, 271, 272.

⁶³ Benton, *Abridgements of the Debates in Congress*, III, 314.

⁶⁴ *Am. State Papers, For. Rel.*, III, 101.

⁶⁵ *Niles' Register*, XIV, 312. *Am. State Papers, For. Rel.*, IV, 409, 410.

⁶⁶ *Am. State Papers, For. Rel.*, III, 90.

Maryland, as commissioners plenipotentiary and extraordinary for settling all matters of difference between the United States and Great Britain relative to wrongs which had been committed between the parties on the high seas or other waters, and for establishing the principles of navigation and commerce between them.⁶⁷

The treaty which these commissioners concluded, Theodore Lyman, in his *Diplomacy of the United States*, published in 1826, considered "the most favorable arrangement ever made with Great Britain", "in every view an important event in the diplomatic history of the country".⁶⁸ Nevertheless, it settled neither the matter of impressments on the high seas nor the British West India trade, and, principally on the ground of the former, President Jefferson, without even consulting the Senate, refused to ratify it.⁶⁹ But for the sake of tracing the thread of British West India negotiations, it is worth while to pause long enough to note the minimum proposals of the United States regarding that trade and the British attitude in response.

At that time the least which was acceptable to the Government of the United States was the admission of American vessels loaded only with articles of American growth, produce, or manufacture, the importation of which in British vessels was not prohibited. Their entry to British West India ports should be on the same terms as the entry of British vessels in American ports when loaded only with colonial articles. The American Government was willing, however, to make two concessions; first, that American vessels might be prohibited from exporting from the British West Indies in sugar and coffee, more than one-half of the proceeds of their inward cargoes; and secondly, either that American vessels should export such sugar and coffee only to the United States, or that they should be obliged to return and land their cargoes in the United States; provided, however, that they might, on their return trip, touch at any other West India island, or the Bahamas, to complete their cargo. These restrictions were intended to remove effectually any apprehensions that American vessels might become carriers of British West India products to any other country than the United States, but at the same time

⁶⁷ Richardson, *Messages and Papers*, I, 402.

⁶⁸ Lyman, *Diplomacy of the U.S.*, 233.

⁶⁹ Schuyler, *American Diplomacy*, 428. Lyman, *Diplomacy of the U.S.*, 235.

to escape the provision regarding re-export from the United States of West India goods, which had aroused so much opposition to the Jay Treaty. In fact, the American commissioners were explicitly warned to steer clear of any provision which might be interpreted as forbidding the American shippers to export West India goods which had come from other than British islands.⁷⁰

In England, however, as was revealed by the colonial trade legislation of the preceding year, there was a prejudice against American navigation which had taken deep hold of the minds of a great proportion of the community, not only those in the mercantile line, but the whole commercial interest and many who were influential in the country.⁷¹ Altho Lord Grenville, apparently, did not hold these same prejudices, he did fear that any regulation of the British West India trade, however fair it might be, would endanger any treaty which might be formed.⁷² Consequently it was agreed simply that each country should remain in the complete possession of its rights in respect to this trade, which meant that legally the British Government excluded American vessels only, on the other hand, to indemnify the governors of the various islands when from time to time they were compelled by necessity to open their ports to those same vessels.

The next important interruption of this more or less frequently interrupted British West India trade came in the guise of the Embargo Act which was passed by the American Government in December, 1807. Many thought that the good results of this act would be the greater because of the effect which it would have in the British West Indies. The prediction was even made that before the measure was ninety days known in the West Indies, it would bring Great Britain to the feet of the United States, "that it would act as a great political lever, resting its fulcrum on Jamaica, and move all Europe" to American wishes.⁷³

According to one American senator, when the embargo was first laid, the British nation was alarmed because of its belief in the dependence of the West India settlements on the United States for the means of subsistence, a belief which

⁷⁰ *Am. State Papers, For. Rel.*, III, 124.

⁷¹ *Ibid.*, III, 143, 144.

⁷² *Ibid.*, III, 131.

⁷³ Benton, *Abridgements of the Debates in Congress*, IV, 66, 67.

had been impressed upon them by American writers.⁷⁴ This seems quite probable for the British Government soon authorized the opening of British North American ports to receive articles from the United States for re-exportation to the West Indies.⁷⁵

But the embargo had not been a year in force before some of the American congressmen themselves became alarmed over the project. A representative from Maryland bewailed the fact that, relative to the ninety-day prediction, "double the number of days have elapsed, and they hold out insulting language".⁷⁶ A senator from Massachusetts, at the same time, discovered that "instead of reducing the West Indies by famine, the planters in the West Indies . . . were enabled . . . in a great measure to depend upon themselves for their own means of subsistence".⁷⁷ A brother senator from Connecticut, adding his voice to the chorus, pointed out that the West Indies were turning to South America for their needs, that they were finding out that they were not dependent upon the United States for the means of subsistence and that "the only consequence would be and that too surely felt, that we should lose our market; the embargo thus producing not only present privation and injury but permanent mischief".⁷⁸

On the other hand, John Quincy Adams states that during the embargo the governors of the islands issued proclamations inviting American vessels, promising that the regular papers should not be required for their admission, and encouraging them to violate all laws of the United States to carry them supplies.⁷⁹ And from various speeches in Congress the information is gleaned that in the British West Indies prices of those products which were usually obtained from the United States were increased enormously, flour for instance being from \$30 to \$50 a barrel. According to a resident of St. Croix, which was at that time in the possession of Great Britain, from the commencement of the embargo to the conclusion of the War of 1812, no less than 7,000 slaves perished from hunger and bad provisions.⁸⁰ A writer from St. Bartholomew's

⁷⁴ Benton, *Abridgements of the Debates in Cong.*, IV, 9.

⁷⁵ *Am. State Papers, For. Rel.*, IV, 411.

⁷⁶ Benton, *Abridgements of the Debates in Congress*, IV, 67.

⁷⁷ *Ibid.*, IV, 9.

⁷⁸ *Ibid.*, IV, 6.

⁷⁹ *Memoirs of John Quincy Adams*, III, 393.

⁸⁰ *Am. State Papers, For. Rel.*, V, 9.

stated that *notwithstanding* the scandalous violation on the part of American individuals and the shameful cupidity used by them to afford supplies to the enemy, the most severe distress and want were experienced in all the British West Indies, the greater number in the neighborhood of St. Bartholomew's being at times but one remove from starvation.⁸¹ The fact of the case seems to be that the embargo did work a hardship upon the inhabitants of the British West Indies, but, on the other hand, it interrupted a prosperous business for many American merchants and shippers and hence the outcry.

Further evidence of the dependence of the British West Indies upon the United States for supplies was brought out during the War of 1812. Within two weeks of the American declaration of war, the British Government made Bermuda a place of deposit for all of the islands, allowing the import of American products to that island in ships of any country in amity with Great Britain, British ships to distribute such goods from Bermuda to the West India islands.⁸² Some four months later a still further step was taken when an order in council gave governors of the British West India islands the right in case of serious embarrassments to grant licenses even to American vessels to bring products from the United States to those islands.⁸³

To meet this situation, President Madison, early the next year, recommended to the consideration of Congress the expediency of an effectual prohibition of any trade whatever by citizens or inhabitants of the United States under special licenses, and also a prohibition of all exportations from the United States in foreign bottoms.⁸⁴ Finally the Committee on Foreign Relations took the matter up and recommended a bill, which became a law on August 2, 1813, making it illegal for any citizen or inhabitant of the United States to obtain or use either directly or indirectly, a license, pass, or other instrument granted by the Government of Great Britain, attaching a very heavy penalty, the forfeiture of a sum equal to twice the value of the ship and merchandise in addition to a fine of from \$1,000 to \$5,000.⁸⁵ A little later, in 1813, this act was

⁸¹ *Ibid.*, V, 88.

⁸² *Ibid.*, IV, 411.

⁸³ *Ibid.*, III, 607.

⁸⁴ Richardson, *Messages and Papers*, I, 522, 523.

⁸⁵ *Reports of Com. on For. Rel.*, IV, 524, 525. *Public Statutes at Large*, III, 84-86.

supplemented by another laying an embargo on all vessels in ports of the United States.⁸⁶ In view of these acts, all American trade with the British West Indies became legally forbidden on the American side, in addition to the theoretical prohibition, which had continually existed on the side of the British, a condition of affairs which lasted until the close of the War of 1812.

Thus, during the first three decades of American independence, altho the United States Government made repeated efforts thru diplomacy to secure the legal right for American ships to enter the British West Indies with their cargoes, only once did the British Government concede any admission, and then only under such conditions as to render it unprofitable for the United States Government to accept. That the latter did not resort to retaliatory measures during these years may be attributed to the fact that altho, theoretically, the British colonial system was intact, actually, from the time the American Government, under its new Constitution, became able to pass such legislation until the outbreak of the War of 1812, the British West Indies were open to American shipping by proclamation almost continually. With the return of peace in Europe and America in 1815, however, this condition was changed, and with it the attitude of the United States.

⁸⁶ *Public Statutes at Large*, III, 88-93.

CHAPTER II. THE UNITED STATES RESORTS TO RETALIATION

THE Peace of Ghent found the British colonial system practically intact in the Western Hemisphere so far as it concerned the United States. By the regulations of that system only an enumerated list of American products could be imported into the British colonies in the West Indies and North America, and then only in British vessels. With the exception of St. George and Hamilton on the island of Bermuda, not a British port in the New World was legally open to American vessels. These regulations, to be sure, were no more restrictive than they had always been; in fact they were somewhat more favorable, for not even Bermuda had legally been open to American shipping prior to the War of 1812. But it was not the letter of the British navigation law which concerned American merchants so much as the spirit of its administration, and in the latter there was a profound change with the return of peace. For laxness of execution during the European wars was now substituted the most rigorous enforcement. And it was this new severity of administration of the British colonial system which, in the years immediately following the Peace of Ghent, produced a radical change in the American attitude toward that system.

The first indication of the change in British policy was an order in council curtailing to four months a previous order in council which had extended for six months the right of the British West Indies to admit American products in American vessels.¹ And events soon proved that the British Government was determined to enforce its new order. When governors of these islands ventured upon their own responsibilities to permit the entry of American vessels with produce after the expiration of the allotted time—a power which they had exercised almost at will during the preceding two decades—Lord Bathurst, British minister for the colonies, took them severely to task, expressed the “decided disapprobation” of the British Government, and ordered that in the future under no circumstances should they assume the power to authorize the admission of vessels and cargoes which were excluded by the general law of the empire.²

¹ *St. George's Chronicle and Grenada Gazette*, Nov. 1, 1815.

² Lord Bathurst's letter in *Niles' Register*, IX, 64. Southey, *Chronological History of the West Indies*, III, 582, 583.

This reprimand had its effect as further events in Dominica soon showed. In consequence of a hurricane which occurred there in September, 1815, the House of Assembly of that island represented that, without the immediate importation of supplies, particularly from the United States, a great proportion of the slave population must perish from hunger. They therefore earnestly urged that the ports of the island be opened at once to the vessels of the United States for the importation of provisions and lumber. Governor Maxwell and his privy council held, however, that the royal injunctions were so imperative that they could not advise compliance, and cited Lord Bathurst's instructions on the subject. But the Assembly knew from experience that all expectations of substantial relief from the British North American colonies in British bottoms were altogether visionary, and that partial supplies from the neighboring islands, at doubled prices, would be above the planters' means of payment. They therefore again passed resolutions stating that famine in its most frightful form would be felt unless their recommendations were put in practice. The Governor, nevertheless, persisted in his refusal to adopt the measure.³ The legislature of Antigua went even further, addressing a memorial to the British Government itself, in which they deprecated in strong terms the policy pursued toward American vessels. They, too, represented the impossibility of securing adequate supplies from the British North American colonies, and stated that American supplies which came indirectly thru St. Bartholomew's were charged three times as much as tho they came direct. At the same time they despaired of any sufficient supply from the United States by British vessels, especially as the Government of the United States might reasonably be supposed inclined to retaliate on British vessels in America for the exclusion of American shipping from British West India ports.⁴

But not all the British colonies in the West Indies took this view, as various criticisms of the Antigua resolutions showed. A Demerara paper characterized them as "a series of the most unexpected Resolutions that perhaps were ever agreed to, . . . nothing else than the foundation of a peti-

³ *Annual Register*, LVIII, 163, 164. *Richmond Enquirer*, Nov. 26, 1816.

⁴ Quoted from *Antigua Gazette*, Aug. 7, 1815, by *St. George's Chronicle and Grenada Gazette*, Sept. 9, 1815. *Boston Daily Advertiser*, Feb. 26, 1816.

tion to the British Government to violate its own consummate policy, and to wound deeply the interest of the nation". For itself, it believed the best policy of England was "to cripple the commercial intercourse of a Power which otherwise may endanger her sovereignty of the sea!"⁵ Barbados papers maintained that "nothing but the extremity of distress ought to induce a wish for the Americans to be permitted into our ports", and predicted that with a little patience and forbearance they would receive every necessary supply "without any reference to the aid of the Republicans of America".⁶ Another paper regretted that Antigua possessed a body of "most respectable men" who knew so little of their mother country as to adopt such resolutions, and lamented that just when a number of merchants had been induced to embark their capital in trade, relying on the protective policy of the British Government, any innovation should occur to nip this growing commerce in the bud.⁷ The various islands of the West Indies were, therefore, divided in their attitude toward the decision of the British Government to tighten its colonial system.

But American vessels were not only excluded from ports of the British West Indies; they were even seized and condemned for anchoring longer than twenty-four hours off some of the ports from which American commerce was excluded.⁸ And Bermuda, too, became subject to more stringent regulations from the home government. This island, strictly speaking, was not regarded as one of the West Indies, but as a mere entrepot to which American vessels on paying port charges and duties of 5 or 5½ per cent were allowed to carry certain specified articles. By new rules, merely having prohibited or *non-permitted* articles on board, whether meant to be landed or not, involved the forfeiture of the vessel together with the articles.⁹ In one case, after the governor and custom house had permitted an American sloop to land a cargo of hams which were not on the list of articles enumerated by Act of Parliament, the vessel was seized by an officer of the British

⁵ Quoted in *St. George's Chronicle and Grenada Gazette*, Nov. 11, 1815.

⁶ *Ibid.*

⁷ *Ibid.*, Sept. 9, 1815, and Nov. 1, 1815.

⁸ Quoted from *Charleston City Gazette* by *Alexandria Gazette*, Dec. 18, 1816.

⁹ Notice of British Vice-Consul in Boston in *Boston Daily Advertiser*, Dec. 24, 1816. Comment of *Columbian Centinel*, Jan. 1, 1817, on notice of British Vice-Consul in North Carolina.

navy, and altho the permits were produced in court, was condemned together with its cargo. Several other American ships were reported to have been treated in a similar manner.¹⁰

This decision of the British Government to maintain and rigorously enforce its colonial system was still further impressed upon the United States during the negotiations leading to the commercial convention of July 3, 1815. The American plenipotentiaries in their opening proposals endeavored to include in the subjects to be treated the commercial intercourse between the British West Indies and the United States. They desired to place this trade on some more permanent basis than the occasional acts of the colonial authorities.¹¹ From the very beginning, however, they met a flat refusal on the part of the British plenipotentiaries to treat upon this subject.¹² Great Britain, the latter asserted, was not prepared to make any change in the colonial policy to which it had so long adhered.¹³

Consequently, altho trade between the United States and British European ports was placed on a basis of reciprocity such as had been suggested by the American Tonnage Act of March 3, 1815,¹⁴ the best that the American plenipotentiaries could do in respect to the British West India trade was to obtain the insertion of a paragraph in the second article of the convention stating that each party remained in the complete possession of its rights in regard to the intercourse,¹⁵ a paragraph later characterized by the Philadelphia *Aurora* as "jesuitical . . . , worthy of Talleyrand or any other perfidious hypocrite" because of its meaninglessness.¹⁶ Actually, however, its insertion was demanded in order to safeguard the right of the United States to pass regulations on its own side in respect to the British West India trade, for the British plenipotentiaries had at first attempted to secure for British ships entering American ports from the British West Indies the same exemptions as for those coming from the British European ports, without, however, permitting American vessels to enter their West India possessions.¹⁷

¹⁰ Quoted from *Bermuda Gazette*, Aug. 23, 1815, by *New York Herald*, Sept. 16, 1815.

¹¹ *Am. State Papers, For. Rel.*, IV, 9.

¹² *Ibid.*, IV, 10. *Writings of John Quincy Adams*, V, 442.

¹³ *Am. State Papers, For. Rel.*, IV, 10.

¹⁴ *Public Statutes at Large*, III, 224.

¹⁵ *Am. State Papers, For. Rel.*, IV, 7, 8. *Writings of Gallatin*, I, 680, 682.

¹⁶ *Aurora*, Dec. 16, 1816.

¹⁷ *Writings of Gallatin*, I, 680, 681, 682.

As soon as the contents of the convention became known in the United States, a universal outcry was voiced against it by Federalist newspapers which rejoiced at the opportunity to avenge the attacks which had formerly been made upon the Jay Treaty. Their criticisms as a rule were general in nature, usually contrasting the new convention to its disadvantage with the earlier efforts of Jay and of Monroe and Pinkney.¹⁸ Occasionally the failure to regulate the British West India trade was pointed out,¹⁹ the *Connecticut Courant* accomplishing this most effectively by printing the following excerpt to remind President Madison of his speech at the time of the ratification of the Jay Treaty:

I never could have believed, that the time was so near, when all the principles, claims, and calculations which have heretofore prevailed among all classes of people were to be so completely renounced. *A treaty of commerce with Great Britain excluding a reciprocity for our vessels in the West India trade, is a phenomenon which fills one with more surprise than I know how to express.*²⁰

Altho there was chagrin and disappointment at the failure of the convention to secure for American shipping participation in the British West India trade, it was little realized at the time that the loss of this trade might be detrimental to Americans in the trade between British European ports and the United States. Apparently the men who negotiated the convention failed to understand its possible operation in connection with the British colonial system.²¹ Still, in one or two cases it was very soon pointed out that the reciprocity which had been established in the commercial intercourse between the two countries was more apparent than real.²²

As a matter of course, the strict enforcement of the British colonial system had a very noticeable effect on that part of American shipping which had formerly been engaged principally in trade with the British West Indies. Three-fourths of the tonnage employed in this trade for the year 1816 was

¹⁸ *Daily Federal Republican* (Georgetown), Dec. 28, 1815. *Columbian Centinel* (Boston), Dec. 30, 1815. *Newport Mercury*, Dec. 30, 1815. *Massachusetts Spy* (Worcester), Jan. 3, 1816. *Boston Commercial Gazette*, Jan. 1, 1816. *United States Gazette* (Phila.) in *Boston Daily Advertiser*, Jan. 9, 1816. *Alexandria Gazette*, Jan. 18, 1816.

¹⁹ *Newport Mercury*, Dec. 30, 1815. *Daily Federal Republican*, Dec. 28, 1815.

²⁰ *Connecticut Courant*, March 5, 1816.

²¹ *Life and Correspondence of Rufus King*, VI, 42.

²² *New York Evening Post*, Jan. 8, 1816. *New York Commercial Advertiser* quoted in *Boston Daily Advertiser*, Jan. 15, 1816.

monopolized by British vessels.²³ While in 1806 one hundred and three American vessels had cleared from Portsmouth for the West Indies, in 1816 the number had sunk to forty-four.²⁴ Of the merchandise transported in this trade, it was estimated that nearly 84 per cent, so far as value was concerned, was carried in British ships, the small portion which was carried in American vessels arising from accidental and temporary suspensions of the colonial system by the governors of the various islands, under the pressure of dire necessity.²⁵

But the exclusion of American shipping from the British West Indies had even more widespread effects. The direct trade between the United States and Great Britain was so interwoven with, and dependent upon, the trade between the United States and the British colonies in the West Indies as in a great measure to deprive the former of the advantages intended to be secured by the commercial convention.²⁶ It was soon discovered that British vessels possessed a very profitable triangular trade route which was closed to Americans.²⁷ British vessels loaded with dry goods, salt, earthenware, coal, or other bulky articles of small value, the profits on which generally afforded a moderate freight, sailed to ports of the United States. After unloading their cargoes and taking on others of provisions, lumber, stock, or such other articles as were admitted into the British West Indies, they could then proceed to ports in those islands. Thence, having unloaded once more and having taken on a cargo of sugar or molasses, they could sail directly to their home ports; or, if they found freights from those islands to Great Britain scarce, they could go in a few days to New Orleans for a load of cotton or tobacco for a European port.²⁸ This indirect route to the British West Indies by way of the United States, even apart from the advantage which it gave British merchants in competition with those of the United States, was really a great boon to Great Britain. The latter had few articles to send to her colonies in the West Indies. As a consequence, British vessels, if con-

²³ *Am. State Papers, Commerce and Navigation*, II, 114.

²⁴ Memorial of ship-owners in *New Hampshire Gazette*, Feb. 11, 1817.

²⁵ *Am. State Papers, For. Rel.*, V, 1.

²⁶ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 4.

²⁷ *New York Evening Post*, Jan. 8, 1816. *New York Commercial Advertiser* quoted in *Boston Daily Advertiser*, Jan. 15, 1816.

²⁸ *Am. State Papers, For. Rel.*, V, 6.

fined to the direct voyage between England and the colonies, would necessarily have had to go out nearly empty, and of course have earned little freight. The indirect route, on the other hand, afforded them two freights.²⁹

But another advantage which this triangular route gave British merchants could not be overlooked: it enabled them to compete in the direct carrying-trade between Great Britain and the United States on terms which were ruinous to American merchants. Rather than permit their ships to lie idle during the commercial depression which followed peace in Europe, they preferred to take almost nominal freights for cargoes from Great Britain to American ports;³⁰ especially in view of the fact that, after landing their cargoes in America, they then had two voyages home in neither of which they had any foreign competition. On the other hand, American vessels were limited to a direct trade only with the possessions of Great Britain in Europe. Whereas the bulky supplies furnished by America might require, perhaps, one hundred vessels for transport to England, the less bulky articles which they received in return might be brought back in a comparatively few ships. This fact, together with the underbidding of freight by the British merchants, compelled a great many American vessels to return in ballast.³¹ And the legality of this triangular trade route in at least the first two years after the commercial convention of 1815 was assured by a ruling of the United States Secretary of the Treasury, a ruling which the British consulates in America took pains to have published broadcast in the newspapers. According to this decision, a British ship making a voyage from the British West Indies to a British European port and thence to the United States had to be admitted, under the commercial convention, without discrimination, on the ground that its voyage had been broken.³²

The effect of this one-sided competition is noticeable in the figures for British and American tonnage, in foreign trade, which entered American ports for the years 1815, 1816, 1817, respectively:³³

²⁹ Pitkin, *Statistical View of Commerce of U.S.*, 190.

³⁰ *Life and Correspondence of Rufus King*, V, 500. *Boston Commercial Gazette*, Feb. 22, 1816.

³¹ Speech of Senator Barbour, *Annals of Cong.*, 15 Cong., 1 Sess., 318.

³² Notice of Brit. Consulate in Baltimore, in *Alexandria Gazette*, Dec. 30, 1816.

³³ Bates, *American Navigation*, 183.

YEAR	BRITISH	AMERICAN
1815.....	145,364 tons	700,500 tons
1816.....	212,426 tons	877,462 tons
1817.....	174,935 tons	780,136 tons

While the total American tonnage engaged in foreign trade in the year following the commercial convention increased 25 per cent, that of Great Britain entering American ports jumped 46 per cent. And altho the depressed state of navigation throughout the world was reflected in the figures for 1817, even in that year the British total showed an increase of 20 per cent over the year 1815, while that of the United States was maintained at only 11 per cent over the same year. A still better indication of the benefits which British shipping derived from this triangular route is seen in the figures for 1819, the year following the destruction of that route by the American navigation act of 1818. The total British tonnage entering the United States in 1819 fell to the small amount of 36,333 tons,³⁴ a decrease of over 75 per cent from the total for 1815, the year preceding the commercial convention, thus showing clearly the connection between the British West India intercourse and that between the United States and Great Britain.

Not all these facts could, of course, be known immediately upon the conclusion of the convention of 1815, but during the following year its effects began to be seen in the unemployment of seamen and the numerous classes of mechanics connected with navigation, the depreciation of American vessels, and the almost total cessation of ship-building and all the enlivening pursuits associated with its prosperity.³⁵ Many American seamen were compelled to seek employment under foreign flags; ship carpenters, in many cases, were obliged to go into the British provinces of New Brunswick and Nova Scotia "to cut lumber even for the royal navy of England and to build vessels to carry it to Great Britain". Hundreds of others were reduced to poverty, while many of the towns and villages which once flourished by commerce and navigation began rapidly to decay. Within a year after the convention went into effect, it was reported that more than one-half of American tonnage was "useless, dismantled at the wharves,

³⁴ Bates, *American Navigation*, 183.

³⁵ *Aurora*, Dec. 16, 1816, and Jan. 23, 1817.

and literally rotting in the docks".³⁶ And all this at the same time that American ports were filled with British ships carrying away American productions, taking from American merchants the trade which once afforded the means of their livelihood and prosperity.³⁷

Undoubtedly, as was pointed out at the time,³⁸ some of these deplorable effects were produced by the return of peace and the confusion incident thereto, together with the restoration to several European nations of their colonies and the participation of those nations in the commerce and carrying-trade of the world, which had been for a time divided between the United States and Great Britain. But the average American merchant and ship-owner thought usually of his exclusion from the British West Indies, and of the unprofitable competition in the intercourse between Great Britain and the United States, and ascribed all his misfortune to the late commercial convention and the hated colonial system of his rivals.

Up until this time the only measures by which the United States had counteracted the interdict of their vessels from the British colonies were a very moderate discriminating duty, first of forty-four cents, later increased to ninety-four cents a ton, upon all foreign shipping entering ports of the United States and an additional duty of 10 per cent on the merchandise imported in foreign vessels.³⁹ Altho these discriminations had been removed from British vessels and goods entering the United States from British European ports by the convention of 1815, they still stood for British ships entering from the West Indies. Many argued, however, that these slight discriminations were not enough to offset the great advantages which British merchants gained from their colonial system. President Madison was of the opinion that sooner or later the eastern states would ask for countervailing regulations.⁴⁰ John Quincy Adams also as early as December, 1815, was of the mind that Congress should "try a little the effect of exclusion on our side too".⁴¹

As a matter of fact, the demands for countervailing acts had begun soon after the conclusion of peace, even before the

³⁶ Speech of Cyrus King, *Annals of Cong.*, 14 Cong., 2 Sess., 781, 782.

³⁷ Speech of Bradbury, *Ibid.*, 807.

³⁸ Speech of Cyrus King, *Ibid.*, 781. *Alexandria Gazette*, Feb. 3, 1817.

³⁹ "British Colonial and Navigation System" (*Am. Quart. Rev.*, II, 283).

⁴⁰ *Writings of Gallatin*, I, 652.

⁴¹ *Writings of John Quincy Adams*, V, 443.

contents of the commercial convention were known. "Jonathan", writing in the *American Mercury* as early as August, 1815, demanded a "perfect reciprocity" between Great Britain and the United States, and suggested that whenever Great Britain undertook to place its commerce upon a different footing, it should be countervailed in some way by the American Government.⁴² In October of the same year it was urged upon Senator Rufus King that inasmuch as the new convention would probably have no stipulation in relation to the British West India trade, he should be prepared when Congress met, to bring forward some measure which would help place the colonial business on an equitable and satisfactory footing.⁴³ The provisions of such a measure were even suggested:

No article the growth, produce, or manufacture of any Nation or Colony should be imported into the country from which place an American vessel could not import the same articles. . . . all foreign vessels on leaving this Country with Cargoes should give Bonds that no part of their cargoes should be landed at any place where an American vessel could not land the same articles.⁴⁴

In response to these demands for retaliation, Cyrus King of Massachusetts maintained that Congress should justly retaliate upon Great Britain some of the embarrassments which her rigid colonial system and her access to the triangular route were inflicting on American navigation. He therefore introduced the following resolution:

That the Committee on Foreign Relations be instructed to inquire into the expediency of excluding from the ports of the United States all foreign vessels, owned in, coming from, bound to, or touching at any of His Britannic Majesty's possessions in the West Indies, and in the continent of North America, from which the vessels of the United States are excluded: and of prohibiting, or increasing the duties on, the importation in foreign vessels, of any articles, the growth, produce, or manufacture of such possessions.⁴⁵

Considerable opposition developed against this resolution, however, on the grounds that it was too limited in its terms; that it would affect consumers and agriculturists; that England had a right to regulate the trade to her colonies as she pleased, and any attempt to coerce her to change her policy would prove the commencement of a new commercial contest; that the restrictive energies of the United States had had a

⁴² *American Mercury*, Aug. 9, 1815.

⁴³ *Life and Correspondence of Rufus King*, V, 490.

⁴⁴ *Ibid.*, V, 490, 491.

⁴⁵ *Annals of Cong.*, 14 Cong., 1 Sess., 877, 878.

fair experiment and had been found wanting; that more beneficial results could be accomplished "by the mild and clement sun of regulation, than by the fierce and rude winds of exclusion and prohibition".⁴⁶ As a result of various amendments, therefore, the pointed reference to Great Britain was withdrawn and the resolution softened to read:

That the Committee on Foreign Relations be instructed to inquire into the expediency of excluding from the ports of the United States or of increasing the duties on, all foreign vessels owned in, coming from, bound to, or touching at, any of the possessions of any nation of Europe in the West Indies and on the continent of America, from which the vessels of the United States are excluded; and prohibiting or of increasing the duties on the importation in foreign vessels, of any articles the growth, produce, or manufacture of such possessions.⁴⁷

The Committee on Foreign Relations was more in accord with Cyrus King's point of view than with that of the House and, not attempting to conceal its purpose in general language, recommended that no importations be permitted from *British* colonies in America or the *British* West India islands, but in American vessels.⁴⁸ But Cyrus King and the Committee on Foreign Relations were in advance of public opinion. The country at large had little enthusiasm for this viewpoint, displaying rather a general apathy on the subject with at times even some opposition.⁴⁹ The effects of British competition apparently had not yet been severely enough or long enough felt to lead Americans in general to be eager to embark anew upon a course of restriction after having so recently emerged from a war with Great Britain, the foundation of which had been laid by a resolution in the House at the instigation of commercial meetings in different seaport towns.⁵⁰ The House, too, apparently adhered to its own point of view for the report was laid on the table and the committee discharged from further consideration of the resolution.⁵¹ The attempt to secure laws retaliating the British colonial trade restrictions therefore failed.

Probably the majority of Americans were more in sympathy with the resolution of Senator Rufus King of New York,

⁴⁶ *Ibid.*, 880, 919.

⁴⁷ *Ibid.*, 918.

⁴⁸ *Ibid.*, 1376.

⁴⁹ Letter from one of Mr. King's constituents in *Boston Daily Advertiser*, Feb. 16, 1816.

⁵⁰ *Annals of Cong.*, 14 Cong., 1 Sess., 883.

⁵¹ *Ibid.*, 1376.

recommending the President to pursue further and friendly negotiations with the British Government for the purpose, among other things, first, "of opening and establishing on a satisfactory footing the navigation, trade, and intercourse between the United States and His Majesty's colonies in the West Indies and on the Continent of America".⁵² The Senate Committee on Foreign Relations opposed the adoption of this resolution, however, on the ground that the most unremitting efforts had been employed by the President to obtain satisfactory arrangements upon these points, and that if any further evidence of a disposition of the British Government to arrange them on just and equal conditions appeared, the Executive would seize all the advantages it might disclose.⁵³ This belief seems to have been justified, for after the consideration of Cyrus King's resolution was postponed in the House, John Quincy Adams, American minister in London, was instructed to propose to the British Government a new convention, the first and most urgent subject of which, in the view of the American Government, was the trade between the United States and the British colonies in North America and the West Indies.⁵⁴

During the summer of 1816, Adams labored with Lord Castlereagh in an attempt to secure some modification of the British colonial system. He explained to him how the operation of the commercial convention of 1815, together with the British regulations, resulted not only in the whole of the British West India trade being carried on exclusively by British vessels, but to the very great injury of the general shipping interests of the United States as well.⁵⁵ He explained, too, that all his country desired was the permission of American vessels equally with the British ships to carry to the British colonies the articles which could be supplied only from the United States; Great Britain might still prohibit the importation from the United States of such articles as she chose to supply herself.⁵⁶

Lord Castlereagh maintained, however, that to admit foreigners to trade with the British colonies in the West Indies

⁵² *Reports of Com. on For. Rel.*, VI, 19.

⁵³ *Ibid.*, VIII, 22, 23.

⁵⁴ *Memoirs of John Quincy Adams*, III, 391, 394.

⁵⁵ *Ibid.*, III, 389, 394.

⁵⁶ *Ibid.*, III, 394.

and in North America was an indulgence for which it would be necessary to expect some equivalent, and as the United States had no colonies, he did not see how any arrangement of that nature could be made reciprocal.⁵⁷ At length in August he informed Adams that the British Government, on the ground of adhering to its colonial system, declined to enter upon any negotiation relative to the trade between the United States and the West Indies, but admitted that the British Government would have no right to complain if the United States should adopt countervailing regulations.⁵⁸ Thus the attempt to secure some modification of the British colonial system by means of diplomacy during the year 1816 also failed.

Nevertheless, the American minister made a final move in September by submitting to Lord Castlereagh formal proposals for a new commercial convention.⁵⁹ Then, altho the latter assured him that he would bring the matter under the early deliberation of the British Cabinet, Adams informed the Government at Washington that any measures similar to those proposed by Cyrus King at the previous session of Congress might now be adopted without hesitation, and asserted his belief that the operation of such measures, if successful, would be the only possible means of convincing the British Government of the expediency of relaxing the rigor of its exclusive colonial system.⁶⁰ Adams has been taken to task by one writer for suggesting the enactment of countervailing legislation so soon after the submission of his formal proposals,⁶¹ but the truth seems to have been that he had already come to the conclusion that Lord Castlereagh's refusal, tho cloaked in language of utmost courtesy and politeness, was nevertheless positive and unqualified,⁶² a conclusion which was borne out by later events.

Meanwhile the evil effects of the British colonial policy continued and became more apparent.⁶³ The governors of at least two states in which the navigating interests were strong—

⁵⁷ *Ibid.*, III, 339.

⁵⁸ *Am. State Papers, For. Rel.*, IV, 361.

⁵⁹ *Ibid.*, IV, 362, 363.

⁶⁰ *Ibid.*, IV, 364.

⁶¹ Tazewell, *Review of Negotiations between U.S. and Great Britain*, 43, 44.

⁶² *Writings of John Quincy Adams*, VI, 99, 100.

⁶³ *Connecticut Courant*, June 4, 1816. *New York Evening Post*, June 25, 1816. *Alexandria Gazette*, July 1, 1816.

Rhode Island and Connecticut—took cognizance of the situation in messages to their state legislatures.⁶⁴ President Madison himself felt called upon to include the matter in his annual message of December, 1816, when, after congratulating the country on the “general invigoration of industry” and “extension” of commerce, he stated his regret that a depression was experienced by particular branches of American manufactures and by a portion of the shipping interests. The reason for the latter he explained.

The depressed state of our navigation is to be ascribed in a material degree to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

. . . The British Government enforcing new regulations which prohibit a trade between its colonies and the United States in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly, and the loss is augmented by the advantage which is given to the British competition over the American in the navigation between our ports and British ports in Europe by the circuitous voyages enjoyed by the one and not enjoyed by the other.⁶⁵

The President refrained, however, from recommending any prohibition of British West India trade in British vessels. It has been claimed that the reason for this omission was that he saw that the agriculturists, manufacturers, and merchants of the United States were not concerned as to the ships which were used in their exchanges.

To deprive all the other classes of society . . . of the benefit of a trade they then enjoyed merely because the navigating class could not participate in these benefits, . . . seemed to him a course of policy unjust in itself and little calculated to restore harmony to the discordant parts of the United States, which had already manifested some estrangement to each other in consequence of the effects of the restrictive system, and of the war.⁶⁶

Possibly this may be true, for he certainly had admitted, some fourteen months earlier, that effectual counteracting regulations might be adopted by the United States, but considered the situation to be such as to dissuade from experiments which were not urgent.⁶⁷

The President's attitude was, of course, unappreciated by those districts in which the shipping interests were prominent.

⁶⁴ *Connecticut Courant*, July 2, 1816, and Oct. 15, 1816.

⁶⁵ Richardson, *Messages and Papers*, I, 574, 575.

⁶⁶ Tazewell, *Review of Negotiations between U.S. and Great Britain*, 36.

⁶⁷ *Writings of Gallatin*, I, 652.

Several papers censured him for his statements about the condition of commerce,⁶⁸ one of the most sarcastic editorials appearing in the *Aurora* under the heading, "Extension of *Commerce*":

What do the facts say, what does the message itself say? Why, if it relates to the state of commerce before the war, the assertion is totally unfounded; if it relates to the period of the war, it is unfounded still; and the message itself furnishes evidence, in a sort of crocodile condolence over our exclusion from the ports in the West Indies. Before the war we had access there in vessels of limited tonnage; during the war we fought our way thither; but now we are totally excluded, and under circumstances which will appear not a little disreputable to the moral character of our government in the eyes of posterity. So that the *extension of our commerce* is to be resolved into a *total exclusion* from the West Indies.

But let us see how this policy of our rulers is attempted to be softened down. The message says, "*the depressed state of our navigation* is to be ascribed in a material degree to its exclusion (meaning no doubt extension!) from the colonial ports of the nation most extensively connected with us, and from the indirect operation of that exclusion." So that we see our navigation extended, nobody knows where or how, while we are informed that it is also *depressed in a material degree*: and we are told by a miserable circumlocution that this depression is by the *total exclusion* of our navigation from the colonies of a nation which no doubt delicacy forbid to be named, but which is designated under the general description of that "nation most extensively connected with us".⁶⁹

This year public opinion in the United States was much more aroused than it had been during the previous session of Congress. At once demands began to appear that Congress, in justice to the ship-owners and ship-builders, should supply by law what was deficient in the commercial convention of 1815, in order to establish a real reciprocity between the United States and Great Britain.⁷⁰ A response to these demands was forthcoming from Congress almost immediately after its convening, when the Committee on Foreign Relations in the House, on December 23, 1816, brought in a bill copied almost to the letter from the British navigation acts. It provided that no goods should be imported into the United States from any foreign port or place except in vessels of the United States or in such foreign vessels as truly and wholly

⁶⁸ *New York Evening Post*, Dec. 6, 1816. *Federal Republican and Baltimore Telegraph*, Dec. 10, 1816. *Aurora*, Dec. 7, 1816.

⁶⁹ *Aurora*, Dec. 14, 1816.

⁷⁰ *Life and Correspondence of Rufus King*, VI, 42. *Aurora*, Dec. 9, 1816, and Dec. 16, 1816.

belonged to the citizens and subjects of that country of which the goods were the growth, production, or manufacture. The provisions of this bill, however, were not to extend to vessels of foreign nations which had not adopted similar regulations.⁷¹ Tho veiled in general language, the bill was aimed solely at the British colonial system. Its operation would prevent vessels owned in Great Britain from importing into the United States any West India products either from the British West Indies or indirectly thru England or the North American colonies. Products brought from the British West Indies would have to be brought either in American vessels or in vessels belonging to British West India merchants. This bill would not prevent British vessels from carrying a cargo of American goods from the United States to the British West Indies, however. In this respect it was weak in that it permitted the continuation of the triangular trade route. To hasten matters along while this bill was being considered, another with the same general purpose was passed by which a discriminating tonnage duty of \$2 a ton was levied on ships from places to which American vessels were not ordinarily allowed to go.⁷²

So far as the latter went, it had the hearty approval of the American shipping interests, but they felt that more vigorous action on the part of the Government was needed.⁷³ To impress Congress with this need, merchants, ship-owners, and others interested in foreign commerce held meetings during January, 1817, in New York, Hartford, and Portsmouth. They drafted petitions and submitted memorials to Congress on the subject. Newport even held a town meeting to urge upon Congress the need for more stringent measures. The general content of all the memorials was that altho a considerable benefit would no doubt result from the additional tonnage act, the situation demanded the total exclusion of vessels and merchandise from territories from which American vessels were excluded, and the prohibition of all foreign vessels from clearing a cargo from America for any port to which American ships were not permitted to trade.⁷⁴ But before these memorials could be presented to Congress, the Senate Committee on Foreign Re-

⁷¹ *Annals of Cong.*, 14 Cong., 2 Sess., 356, 357.

⁷² *Public Statutes at Large*, III, 344.

⁷³ *Newport Mercury*, Dec. 28, 1816. *New York Courier* quoted in *Providence Gazette*, Dec. 28, 1816.

⁷⁴ *New York Evening Post*, Jan. 18, 1817. *Connecticut Courant*, Jan. 28, 1817. *New Hampshire Gazette*, Feb. 11, 1817. *Rhode Island Republican*, Jan. 29, 1817.

lations reported a non-intercourse bill embodying practically all that they desired.⁷⁵

There were, therefore, at this time two different bills before Congress, each aiming to counteract the effects of the British colonial system. The question was merely to what extent Congress was willing to go. In support of the more vigorous action of the non-intercourse bill, it was argued that if other nations would not grant a free and fair commerce, the United States must retaliate or sacrifice the best interests of the country; that it was principally the colonial trade which enabled Great Britain almost to engross the direct trade between the United States and that country; that the shipping interests favored non-intercourse; that if the bill passed, the United States in its next negotiation some two years later would have in it a stronger argument so far as respected colonial trade than it had had in negotiating the convention of 1815; but that if the bill were rejected, Great Britain would say that the United States acknowledged itself unequal to the contest, and would think it might dictate to the United States what trade it should pursue.⁷⁶

On the other hand, it was maintained that absolute prohibition would strike off at a blow \$6,000,000 of American exports and cause extraordinary pressure on the agriculture and commerce of some parts of the country, while doing the very thing which some in Great Britain argued should be done for the good of the colonies. Doubts were expressed as to the impossibility of the British colonies being supplied from elsewhere with articles similar to the American, and also as to the possibility of coercing Great Britain any more in 1817 than it had been possible to do in 1808-1809.⁷⁷

In spite of meetings, memorials, and petitions of the shipping interests, public opinion, tho more aroused than in the previous year, appears not yet to have been ready for the more extreme measure of non-intercourse. That the trade between the United States and the British West Indies should be all on one side was, indeed, considered a serious situation; and as a matter of simple and honest reciprocity, not many objected to the passage of a non-intercourse act. But, as the *Carolina Observer* explained:

⁷⁵ *Annals of Cong.*, 14 Cong., 2 Sess., 695, 696.

⁷⁶ *Ibid.*, 773, 776, 778, 787, 807.

⁷⁷ *Ibid.*, 785, 789, 793, 794, 810.

It looks too serious and so much like bringing back the olden times of *commercial restriction and non-intercourse*, that we are alarmed at the mere caption of it. It is a ghost which we tremble to hear of, and hoped never would be permitted to revisit us again.⁷⁸

Similar sentiments were expressed by a paper published in the very heart of the shipping district:

The intrinsic difficulty of the subject, and the experience of this country in regard to commercial restrictions, are well calculated to make Congress pause and maturely consider before they *pass the Rubicon*.⁷⁹

Letters appeared in the papers over such signatures as "Free Trade", "Mercator", "A Merchant and Landowner", etc., opposing the passage of such an act, and bolstering up their opposition with arguments that it would harm the *general* trade of the country, that the act would fail to open the British West India trade to American vessels, and even that that trade itself was unprofitable for American shippers.⁸⁰

Whether, as the *Montreal Herald* predicted, the non-intercourse bill was considered too great an attack on the administration "*for suffering themselves to be outwitted in the commercial convention of 1815*";⁸¹ or, as Senator King believed, because it was not at that time "expedient" to pass such an act;⁸² or simply because the majority in Congress felt it would be wiser to start with more moderate measures, reserving for later use in case of necessity the more vigorous action of non-intercourse, the more extreme bill was laid aside,⁸³ and the navigation bill was passed as the Navigation Act of March 1, 1817.⁸⁴ Party feelings appear to have had no influence on the question.⁸⁵ This act merely restricted the importation of British West India produce to American vessels or to vessels owned by merchants of those colonies. It did not forbid the exportation of American goods to those islands in British vessels; and in this respect it may be pointed out that American agricultural interests received greater attention than did the shipping interests. Non-intercourse would

⁷⁸ *Carolina Observer*, Feb. 6, 1817.

⁷⁹ *Newport Mercury*, Feb. 15, 1817. Somewhat similar sentiment was expressed in the *Boston Commercial Gazette*, Feb. 3, 1817.

⁸⁰ *Alexandria Gazette*, Feb. 3, 1817. *New York Courier* quoted in *Boston Commercial Gazette*, Feb. 10, 1817. *New York Herald*, Feb. 1, 1817.

⁸¹ *Montreal Herald*, Jan. 18, 1817, quoted in *Aurora*, Feb. 1, 1817.

⁸² *Life and Correspondence of Rufus King*, VI, 48, 49.

⁸³ *Annals of Cong.*, 14 Cong., 2 Sess., 840.

⁸⁴ *Public Statutes at Large*, III, 351.

⁸⁵ *Daily National Intelligencer*, Jan. 31, 1817.

have cut off the profitable West India market for the farmer. In so far as British vessels were still permitted to export American products to the British West Indies, the act, as already pointed out, was weak. The year 1817 thus witnessed at least a beginning in the American campaign of retaliation.

What little comment did appear in the newspapers regarding the American Navigation Act was favorable. The *Daily National Intelligencer* characterized it as "probably the most important one act passed during the session", and it was expected by the *Providence Gazette* to "prove highly beneficial to the maritime interest of the country".⁸⁶

Whether these acts of the American Government—"notes of preparation", they have been called⁸⁷—were destined to have any beneficial effect on American navigation could not be immediately known, but it was soon apparent that they did operate to produce some slight and partial concessions on the part of the British Government. On March 18, 1817, even before the American minister had received information of the passage of the navigation act, Lord Castlereagh informed him that the British Government had received such information, and repeated his assurance that the latter considered it perfectly proper and as giving no cause of complaint or dissatisfaction. At the same time, after repeated apologies for delay, he informed Adams that the British Government had at length come to a determination respecting the proposals which the latter had submitted some six months earlier. Altho the British Government was not prepared to abandon its ancient colonial system, it was ready to make certain concessions to the United States in respect to its colonial trade. The next day Lord Castlereagh sent Adams a draft of four articles, without preliminary, conclusion, or comment, it being understood that they were to be made supplementary to the convention of 1815, and to be in force for the same period.⁸⁸

The first article extended to American navigation the provisions of the British free port acts which until then had been confined to vessels of European nations. These authorized a trade in certain enumerated articles with certain enumerated ports of the British West Indies in vessels of one deck. Goods

⁸⁶ *Ibid.*, March 18, 1817. *Providence Gazette*, March 29, 1817.

⁸⁷ "British Colonial and Navigation System" (*Am. Quart. Rev.*, II, 298).

⁸⁸ *Am. State Papers, For. Rel.*, IV, 367, 368. *Memoirs of John Quincy Adams*, III, 489, 490, 492.

imported into the United States were to be charged the same duties as upon similar goods from any other foreign port, the same rule to apply to American goods imported into the free ports from the United States. The British Government, however, reserved to itself the right to impose higher duties upon all articles imported from the United States or any other foreign country than should be chargeable upon similar articles imported from any British possession. There were several objectionable features to this article from the American viewpoint: first, the smallness of the vessels to which American trade must be confined, the provision being interpreted by Adams to mean vessels of under 30 tons burden;⁸⁹ second, the restricted list of articles which might be imported and exported, sugar and coffee, for instance, being excluded from export to the United States, and the very articles which Americans would wish to export, such as lumber, fish, salted provisions, live stock, etc., being excluded from import into the British West Indies; third, the right which Great Britain reserved to levy discriminating duties in favor of British North American products and vessels.

The second article admitted American vessels to the island of Bermuda, permitted a much longer list of articles both of import and export, and placed no limitation on the size or form of vessels to be employed. The list of articles of trade included those desirable commodities which were excluded from the British West India trade as a whole, the purpose being, apparently, to supply the naval depot and station which Great Britain maintained there,⁹⁰ and to make that island, which is little more than a cluster of rocks in the middle of the ocean, an entrepôt in a circuitous trade between the United States and the British West Indies, a trade in which American vessels would have access to much the shorter leg.

The third article was a short one permitting American vessels to resort to Turk's Island, one of the southernmost of the Bahamas, for the purpose of taking in cargoes of salt for the United States, but allowing these vessels to import only tobacco and cotton, again excluding provisions, etc.

The fourth article stipulated a free intercourse between the United States and those parts of the adjoining British provinces in North America, where the division line was the

⁸⁹ *Memoirs of John Quincy Adams*, III, 492.

⁹⁰ *Writings of Gallatin*, II, 29, 30.

middle of rivers or lakes, but excluding from the right of navigation wherever both sides of the lake or river belonged to the same party. Here again there were one or two objectionable points from the American standpoint. The article itself was practically identical with the third article submitted by the British commissioners in the negotiation of the commercial convention of July, 1815,⁹¹ and which was rejected by the American plenipotentiaries because American vessels were denied the right to take their produce down the St. Lawrence to Montreal and down the river Chambly to the St. Lawrence, without which rights the article was useless to Americans and unequal in its practical operation. An additional proviso that the importation of American produce into Canada should not be prohibited unless the prohibition extended generally to all similar articles, afforded the United States no security, as no similar articles were imported into Canada from any other foreign country. On the other hand, the corresponding proviso respecting the importation into the United States thru Canada of produce and manufactures of Great Britain effectually prevented the American Government from prohibiting such importations, since this could not be done without extending the prohibition to the importation of all similar articles, either of British or other foreign growth or manufacture, into the Atlantic ports of the United States.⁹²

These slight concessions, containing so many questionable features, were transmitted to the Government at Washington, which, believing that they could not under any modification be made the basis of an arrangement between the two governments regarding the commercial intercourse, and understanding that Great Britain would concede nothing more in the way of relaxation of her colonial system, decided it would be useless to enter into a discussion when there was no prospect that it would terminate in agreement, but might tend to irritation. Richard Rush, who succeeded Adams at the British court, was therefore authorized in his instructions to make this determination known to the British Government in a personal interview with Lord Castlereagh. This Mr. Rush did in his first conference with Lord Castlereagh on January 3, 1818, when, without using the term rejection, he

⁹¹ *Am. State Papers, For. Rel.*, IV, 14.

⁹² *Ibid.*, IV, 11.

communicated to him the disposition of the President, with regard to the four articles, in a manner altogether congenial to the spirit of that formula of the British constitution by which the dissent of the crown is signified to an act which has passed both Houses of Parliament—le Roy s'avisera.⁹³

The clearness and Americanism of this method have, with right, been questioned.⁹⁴

The failure of diplomatic negotiation in 1817 to bring about an agreement in regard to the British colonial trade resulted in a further countervailing measure on the part of the United States. President Monroe in his annual message laid the whole matter before Congress, informing them of the unwillingness of the British Government to depart from its colonial system, and asking them to consider whether, in consequence, they should make any further regulations for the protection and improvement of American shipping.⁹⁵

The first move came in the House where the Committee on Foreign Relations, to which this part of the President's message had been referred, submitted a long report on the state of the commercial intercourse between the United States and the British West India and North American colonies. After giving facts to show why this trade was in the worst possible state for American shipping while at the best possible for British, they maintained that justice and policy required of every wise government its best exertions to secure for its citizens, in the transportation of merchandise, a perfect equality with the people of every nation with which it had commercial intercourse. This could be accomplished in the case of Great Britain either by a convention based on reciprocity, or by legislative acts operating exclusively against British navigators engaged in this trade. That the former method had failed was due, they believed, to the fact that no adequate motive yet existed to induce Great Britain to arrange the trade by convention. This "adequate motive" they proposed to supply by a further legislative act on the part of the American Government, the only question being whether the act should be total prohibition of all intercourse with the British colonies, or burdensome charges on the trade if confined to British vessels. The Committee preferred the latter measure because of its slower but equally certain effect, and its facility of exe-

⁹³ *Am. State Papers, For. Rel.*, IV, 15, 16.

⁹⁴ Tazewell, *Review of Negotiations between the U.S. and Great Britain*, 45.

⁹⁵ Richardson, *Messages and Papers*, II, 12, 13.

cution. They therefore reported a bill to that effect, to be supplementary to the "*Act regulating duties on imports and tonnage*", passed April 27, 1816.⁹⁶

The Senate Committee went a step further in its recommendation, reporting a navigation bill which was substantially the same as the non-intercourse bill laid aside by the House in the preceding session.⁹⁷ The principal advocates of the measure in the Senate where practically all the debate took place were Senator Barbour of Virginia and Senator Rufus King of New York, the latter staking all his hopes of success on the measure which in principle he believed to be incomparably the most important law ever passed on this or perhaps any subject.⁹⁸

The theory upon which the bill was based was that the United States was practically independent of the British West Indies for the products which the latter produced, but that these colonies were almost entirely dependent upon the United States for such necessities as provisions and lumber. The result of depriving them of these articles, it was argued, would be that Great Britain would recede from her strict adherence to her colonial system, or allow an entrepot to be established in some of the foreign West Indies, in either of which cases American vessels would gain a large part in the trade.⁹⁹ In the consideration of this measure the prevalence of national feeling over the partial and sectional interests and prejudices which had hitherto prevented such action was shown.¹⁰⁰ No doubt the decline in American tonnage for the preceding year was partly responsible for this change. Then, too, the time was deemed particularly fit for the adoption of such a measure inasmuch as the commercial convention of 1815 would terminate in July, 1819, when the commercial intercourse must again be established either by treaty or by mutual systems of legislative regulations.¹⁰¹ Other nations were also moving to abridge the advantages of the British monopoly, and their coöperation, it was felt, would increase the probability of success.¹⁰²

⁹⁶ *Am. State Papers, For. Rel.*, V, 1, 2.

⁹⁷ *Annals of Cong.*, 15 Cong., 1 Sess., 307.

⁹⁸ *Life and Correspondence of Rufus King*, VI, 143.

⁹⁹ *Annals of Cong.*, 15 Cong., 1 Sess., 318-323.

¹⁰⁰ *Writings of John Quincy Adams*, VI, 341.

¹⁰¹ Speech of Senator Barbour, *Annals of Cong.*, 15 Cong., 1 Sess., 323.

¹⁰² *Life and Correspondence of Rufus King*, VI, 138.

Public opinion in favor of the measure was even more in evidence this year than it had been for the similar measure in the year preceding. The bill was "precisely what was wanted", said a Maine editor.¹⁰³ A Boston editor considered it "justified by the laws of fair retaliation" and generally approved, while Niles maintained that the United States had passed the "age of childhood" in which it might have prudently submitted to the operation of a rule that would not work both ways, and had arrived at a degree of maturity sufficient to enable it to march *pari passu* with foreign nations in full reciprocity.¹⁰⁴ The *Connecticut Journal* wished to see such a policy adopted as would secure to American seamen equal privileges with those of every other nation, questioning only whether such policy was practical at that time.¹⁰⁵ The *Daily National Intelligencer*, however, believed the necessity for the act to be so apparent as to overcome the reluctance to pass it which had caused its postponement at the preceding session.¹⁰⁶

Apparently this was true, for the more far-reaching bill was passed in the Senate with only two dissenting votes, these coming from Virginia and New Jersey. The House withdrew its bill in favor of the Senate measure which was passed by a vote of 123 to 16. Of the opposing votes, six came from states having considerable shipping interests, while the rest were from agricultural states, seven from the South, three from the Northwest.¹⁰⁷ Apparently no clear-cut division was made on the basis of section.

While the act might not "interweave itself with the feeling of every portion of the community", it was joyously acclaimed by the shipping centers.¹⁰⁸ According to one New York paper, it was so much in accord with the views and wishes of the ship-owners and merchants that they intended to make a public expression of their satisfaction.¹⁰⁹ In Salem it was believed that every patriotic citizen must be proud that the Government had at last assumed a firm and dignified attitude toward its navigation, and a New Hampshire paper ap-

¹⁰³ *Life and Correspondence of Rufus King*, VI, 142.

¹⁰⁴ *Columbian Centinel*, April 11, 1818. *Boston Commercial Gazette*, April 13, 1818. *Niles' Register*, XIV, 106, 107.

¹⁰⁵ *Connecticut Journal*, March 17, 1818.

¹⁰⁶ *Daily National Intelligencer*, April 13, 1818.

¹⁰⁷ *Annals of Cong.*, 15 Cong., 1 Sess., 341, 1720.

¹⁰⁸ *Daily National Intelligencer*, May 5, 1818, and May 2, 1818.

¹⁰⁹ *New York Merchantile Advertiser* quoted in *Providence Patriot*, May 2, 1818.

proved it as a "proper measure".¹¹⁰ The *New York Evening Post* considered no measure of the Government since its organization more truly characteristic of a great and intelligent, and independent nation.¹¹¹ The *Providence Gazette* even waxed poetical in its belief that *countervailing* regulations would bring Great Britain to time, while "*softly expedients*" were worse than useless:

Tender handed press a nettle,
And it stings you for your pains;
Grasp it, like a man of mettle,
And it soft as silk remains.¹¹²

With great reluctance, because he believed the act could not but be of an irritating character to British interests, and because he earnestly desired to preserve harmonious relations between the two countries, the President gave his assent to the measure which enacted that after September 30, 1818, the ports of the United States should be closed against British vessels arriving from a colony which by the ordinary laws was closed against vessels of American citizens; and touching at a port which by the ordinary laws was open to American vessels did not alter the restriction. Further, British vessels sailing with cargoes from American ports were laid under bonds not to land their cargoes in any port or place in a colony closed against American vessels.¹¹³ A *non-intercourse in British vessels* was thus established with ports closed by British laws against American ships.

Thus, after hesitating for two years, the United States Government was finally driven to adopt a measure aimed publicly at the British colonial system, a measure which, according to its author, constituted an epoch in American navigation, the commencement of a struggle which would call for "firmness, prudence, temperance and wisdom", but which it was hoped would hasten the day of American dominion on the ocean.¹¹⁴

¹¹⁰ *Essex Register*, April 25, 1818. *New Hampshire Patriot*, April 14, 1818.

¹¹¹ *New York Evening Post*, May 2, 1818.

¹¹² *Providence Patriot*, May 2, 1818.

¹¹³ *Am. State Papers, For. Rel.*, IV, 371. *Public Statutes at Large*, III, 432, 433.

¹¹⁴ *Life and Correspondence of Rufus King*, VI, 138, 139.

CHAPTER III. GREAT BRITAIN MAKES CONCESSIONS

ALTHO the rigorous enforcement of the British colonial system at length drove the American Government to resort to retaliatory legislation, it was far from the purpose of the latter to shut the door entirely against further diplomatic negotiation regarding the British West India trade. On the contrary, almost immediately after the passage of the Navigation Act of 1818, and months before it was to go into operation, the American Government again held out to Great Britain "the hand of liberal reciprocity".¹ The occasion was found in the approaching expiration of the commercial convention of 1815, which, by its own limitation, would cease to be effective in July, 1819. In order, therefore, that there might be no interval during which the commerce between the United States and British European ports should not be regulated, the American minister in London, Richard Rush, was instructed early in the summer of 1818 to propose a new negotiation.²

This necessary renewal of negotiations regarding the general commercial intercourse of the two countries was seized by the American Government as another opportunity to attempt to extend the principles of commercial reciprocity to the trade between the United States and the British colonies in the West Indies and North America.³ Certain facts led Adams to believe that the British Government would receive such a proposal with more favor at this time than in former negotiations. In the first place, Lord Castlereagh had recently avowed a liberal commercial policy in Parliament; secondly, this avowal had been received with approbation by that body; and thirdly, the recent passage of a free port act seemed to indicate a change of policy in regard to the colonial system on the part of the British cabinet. This change of policy, he hoped also, might be hastened still further by the American Navigation Act.⁴ Finally, there was, in addition, some expectation that a refusal to renew the commercial convention of 1815 might be used as a lever by the American

¹ *Writings of John Quincy Adams*, VI, 344.

² Richardson, *Messages and Papers*, II, 37.

³ *Am. State Papers, For. Rel.*, IV, 371.

⁴ *Ibid.*, IV, 372.

plenipotentiaries to force Great Britain to grant reciprocity in the colonial trade.⁵

The negotiations opened somewhat inauspiciously for the United States. Albert Gallatin and Richard Rush were authorized jointly as plenipotentiaries to conclude the new treaty, with the understanding that Gallatin should be summoned from Paris as soon as Rush had ascertained the serious intention of Great Britain to negotiate.⁶ In the course of the opening conversations which Rush held with Lord Castlereagh, the former, perhaps necessarily, allowed the British Government to learn that the American plenipotentiaries were authorized to renew the Convention of 1815 whether or not negotiation was opened on any other point.⁷ As a result, therefore, the American plenipotentiaries were deprived of whatever advantage might have come to them from the implied threat of dropping the negotiations unless reciprocity was granted in the trade with the West Indies.

Nevertheless, the British plenipotentiaries in the opening negotiations did agree to a perfect reciprocity and equality in the trade with the British West Indies on the basis which the American plenipotentiaries brought forward, and which embraced the following objects:

1. British vessels to be permitted to import from the British West Indies into the United States, and to export from the United States to the British West Indies, only such articles . . . as American vessels should be permitted to export from and import into the British West Indies.

2. The duties on the vessels and on the cargoes to be reciprocally the same whether the vessels were American or British.

3. The duties on the importation of American produce into the British West Indies not to be higher when the produce was imported directly from the United States than when imported in a circuitous manner; with a reciprocal condition for the importation of West India produce into the United States.

4. The intercourse in British vessels to be allowed only with such West India ports as would be opened to the American vessels.

5. The British vessels allowed to carry on that trade to be only of the same description with [as] the American vessels admitted in the British West Indies.⁸

The very fact that the British plenipotentiaries were willing to accept such proposals as a working basis for negotiation

⁵ *Writings of James Madison*, VIII, 415.

⁶ *Writings of Gallatin*, II, 62.

⁷ *Ibid.*, II, 86.

⁸ *Am. State Papers, For. Rel.*, IV, 381, 382.

regarding the West India trade was in itself no small step for them to take in view of the previous attitude of their Government.

But, having gained so much, immediately the American plenipotentiaries were assailed by doubts and fears. Was it proper to agree to a direct trade limited on both sides to certain articles of the produce either of the United States or of the West Indies? And if the direct trade was thus limited to certain articles, should an indirect trade be permitted between the United States and Bermuda, Nova Scotia and New Brunswick, embracing articles other than those permitted in the direct? And, finally, should the United States agree, without any condition or exception, to the right of Great Britain to lay duties on the produce of the United States imported into the West Indies which were not laid on similar articles imported therein from any part of the British dominions?⁹

Filled with these misgivings, the American plenipotentiaries decided that if there was to be any erring, it would be safer to err on their own side of the question. They therefore determined to ask for more than perhaps under all circumstances they expected to obtain, and drew up their formal proposals regarding the West India intercourse with this in mind.¹⁰ Two provisions in their formal proposals particularly reflected this viewpoint: (1) Articles imported from the United States into the British West Indies should pay the same duties as when imported from any other foreign country or *place whatever*; and articles exported from these islands to the United States should be allowed the same bounties as when exported to any other foreign country or *place whatever*. (2) British and American vessels in the indirect trade thru New Brunswick and Nova Scotia might export from the United States only those articles which American vessels were permitted to export directly from the United States to the British West Indies and South America.¹¹ The former provision was in reality a demand that American produce be placed upon the same footing in the British West Indies as similar articles imported into those islands from British North America or even from England herself; in other words, a demand that Great Britain should levy no duties to protect the

⁹ *Am. State Papers, For. Rel.*, IV, 382.

¹⁰ *Ibid.*, IV, 382.

¹¹ *Ibid.*, IV, 385.

produce of her own empire against similar produce of the United States. It was likewise a demand that the United States be permitted to secure British West India produce upon the same terms as the different parts of the British possessions themselves. This was certainly more than the United States had a legal right to demand. The latter provision contained a demand which might be made with more reason, namely, that the British North American provinces should not be made entrepôts for a trade in articles prohibited in the direct trade between the United States and the British colonies in the West Indies.

Altho the British plenipotentiaries were willing to admit the principle of reciprocity; to make no exception with respect to the description of vessels; to admit that American vessels employed in the trade might touch at more than one colonial port on the same voyage; and even to add naval stores, shingles, staves, and a more general description of provisions to the list of articles, as proposed by Lord Castlereagh in 1817; they stated immediately that the American proposals, as formally drawn up, were inadmissible and amounted to a much greater departure from the colonial policy of Great Britain than she was prepared to make. They did not enter into any abstract defense of that policy but urged the impossibility of breaking down at once a system still favored by English public opinion, and strongly supported by those interested in the fish and lumber of the North American colonies, the salted provisions and flour of Ireland, the shipping of Great Britain, as well as by the West India planters who lived in London. The British plenipotentiaries contended (1) that the United States ought, for the present, to be satisfied with an arrangement which would admit a considerable number of articles to be carried directly; (2) that they should not insist on the exclusion, in the indirect trade, of the articles which might not be included in the list of those admitted in the direct trade with the West Indies; and (3) that they ought not to object to the natural right of Great Britain to lay protecting duties in favor of the produce of her own possessions.¹²

In reply to the third contention the American plenipotentiaries maintained that, as

no other foreign country could supply the West Indies with the articles which were the produce of the United States, a condition which would

¹² *Ibid.*, IV, 382.

prevent Great Britain from laying higher duties on that produce than on similar articles the produce of other foreign countries, was nugatory, and . . . perfectly useless. There was . . . no competition but with the produce of the British possessions.

The American plenipotentiaries maintained, therefore, that some concession should be extended to the United States in competition with the British North American products in order to compensate the former for the restriction whereby it undertook to lay no higher duties on the colonial produce of the British possessions than on that of other countries.¹³ The American plenipotentiaries finally suggested that a maximum of duties intended for the protection of the produce of the British dominions might be agreed on, but without success.¹⁴ In regard to the first two contentions advanced by the British, the American plenipotentiaries argued that:

The propriety of limiting the number of articles to be carried directly, would in a great measure depend on the list which might be proposed. To extend it to other articles, in the circuitous intercourse through Halifax and Bermuda, would give to the British the exclusive carriage of those articles from those ports to the West Indies, and *vice versa*, and be inconsistent with the avowed object of the United States—that of an equal participation in the navigation necessary for the transportation of the articles of which their trade with the West Indies, as allowed by Great Britain, actually consisted.¹⁵

The American plenipotentiaries apparently were determined to secure complete reciprocity and equality in the British West India trade, a reciprocity which should prove to be actually equal in practice and not merely on paper. In attempting to secure this sort of reciprocity, they no doubt appeared unreasonable to the British Government in their demands. Possibly they felt that the new-born sense of nationality with which at that time every American citizen was imbued would not tolerate from them anything short of the fullest assertion of the national pride.¹⁶

It soon became quite evident that it was altogether improbable that the plenipotentiaries of the two countries could come to any definite agreement regarding the British West India trade, and it was therefore decided that the British plenipotentiaries should offer an article with the intention of

¹³ *Am. State Papers, For. Rel.*, IV, 382.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Adams, *Life of Albert Gallatin*, 571.

its being referred to the American Government.¹⁷ When the British plenipotentiaries submitted their proposals they stated that they could not consent to sign any article regarding the West India trade unless the American plenipotentiaries were prepared at the same time to accede to articles putting the trade between the United States and Bermuda, Novia Scotia, and New Brunswick upon the footing contemplated in articles offered earlier by the British plenipotentiaries, a footing precisely opposed to that advanced by the American plenipotentiaries in their former proposals.¹⁸ The latter declared that they were not authorized to sign any such articles as those proposed by the British but agreed to take the whole question *ad referendum* to their Government.¹⁹

The negotiation being thus kept open in respect to the British West India trade, the American plenipotentiaries agreed to an article continuing the commercial convention of 1815 in force for ten years. This was incorporated in a general convention signed October 20, 1818.²⁰ It was fully understood on both sides, however, that if no agreement should be ultimately concluded with respect to the colonial trade, no ground of complaint would arise on account of any restrictive measures which the United States might adopt on that subject.²¹

The convention, when it became known in the United States, occasioned very little comment on the part of the newspapers. Only rarely was the absence of an article regarding the British West India trade noted, and even when it was, the fact was usually merely mentioned. The shipping interests of the country apparently were ready to try conclusions in a contest between the restrictive regulations of the two countries, and the other interests in America were in general evidently willing to give the shippers their support—at least for a time. The following editorial, however, reflected the glow of a spark of sectional feeling which had already begun to smolder in Norfolk, and which was later to spread from there thruout the South:

It will be perceived that the Treaty is perfectly silent upon the subject of the West India trade, the great desideratum with the Southern

¹⁷ *Am. State Papers, For. Rel.*, IV, 382.

¹⁸ See above, pp. 48, 49, 56, 57.

¹⁹ *Am. State Papers, For. Rel.*, IV, 397.

²⁰ *Ibid.*, IV, 406.

²¹ *Ibid.*, IV, 381.

states; this is a heavy disappointment to those who have hitherto been engaged in supplying the West India markets with lumber, etc., and who since the late non-intercourse law, have indulged the hope that some provision by treaty would again open the trade. We feel the loss of this trade here perhaps more than it is felt in any part of the Union; but all hopes of retrieving it are now permanently extinguished—The New England States have got the *fishes* [referring to settlement of the fisheries dispute] in the scramble, but we have neither loaves nor fishes to comfort us.²²

Altho there was general apathy on the subject in the United States, in the British North American provinces exultation prevailed over the failure of the convention to admit American ships to the British West Indies, if the editor of the *Nova Scotia Gazette* represented general sentiment, when he wrote:

We feel much pleasure in observing . . . that no permission is given, by the Treaty, to Americans, to trade with our West India Islands. This is a circumstance highly important to Nova Scotia, and will, we have no doubt, give a very great spur to the enterprising spirit of our merchantile friends.²³

In the Senate the articles submitted by the British plenipotentiaries in regard to the colonial trade, together with the documents accompanying them, were referred to the Committee on Foreign Relations.²⁴ This committee, on February 19, 1819, made a confidential report, the chief recommendations of which were as follows:

1. As Great Britain probably would not consent to include all articles of the produce and manufacture of the United States and of the respective colonies, the United States might accept the catalog of articles enumerated in the British acts of Parliament and according to which the trade had heretofore been carried on in British bottoms.

2. As a compensation for the stipulation not to impose greater or other duties on the colonial articles of Great Britain than on the like articles of other countries, it might be stipulated on the part of Great Britain that the duties and charges on articles of the United States should not exceed more than a certain per cent of those which should be imposed on the like articles imported from the British continental colonies.

3. In no event should articles of the United States pay higher duties or charges in the direct voyage from the United

²² Quoted from a Norfolk paper by *St. George's Chronicle and Grenada Gazette*, April 3, 1819.

²³ Quoted in *Salem Gazette*, Feb. 26, 1819.

²⁴ *Am. State Papers, For. Rel.*, IV, 403.

States than in the indirect or circuitous voyage, thru New Brunswick, Nova Scotia, Bermuda, or other intermediate ports.

4. As the voyage from the United States to New Brunswick, Nova Scotia, and Bermuda was a short one and would yield but little profit, the duties and charges must be as great on the British ships, and the articles of the United States composing their cargoes, arriving in the British West Indies thru these intermediate colonies, as on similar ships and articles arriving directly from the United States; otherwise the direct trade would be deserted in favor of the circuitous trade, and thereby the object of the arrangement would be defeated.²⁵

These, the committee believed, were the points to be kept in mind by American diplomats in case negotiations were to be continued. As for themselves, they were of the opinion that it might be prudent to allow the negotiation to remain where it was for the present, and to try the experiment of allowing the American navigation act to have its effects. Inasmuch as that law seemed to have had advantageous effects already, if it were re-enforced by cutting off the trade with New Brunswick, Nova Scotia, and Bermuda, it probably would prove to be more advantageous to the United States to adhere to the law and decline any convention with Great Britain touching the colonial trade.²⁶

Due to the shortness of time for discussion in the Senate, this report was referred to the State Department which, in turn, held conferences with members of the Administration during February, March, and April.²⁷ These conferences resulted in the decision that the articles as drafted by the British plenipotentiaries "would have the effect of leaving the whole intercourse at the discretion of the British Government", and consequently ought not to be accepted without considerable modifications.²⁸ It was therefore finally agreed by the cabinet that Rush should be instructed

to prepare to accept the limitation of both the lists of articles as prepared by the British plenipotentiaries, upon condition that the duties upon imported articles shall not be higher upon importations direct from the United States than upon those made indirectly through the North American Colonies.

²⁵ *Reports of Com. on For. Rel.*, VIII, 27, 28.

²⁶ *Ibid.*, VIII, 28.

²⁷ *Am. State Papers, For. Rel.*, IV, 403. *Memoirs of John Quincy Adams*, IV, 272, 316, 322, 323.

²⁸ *Ibid.*, IV, 316.

These, it was felt, were the only terms to which the United States could safely agree; at the same time, it was not expected that they would be acceptable to the British Government.²⁹

Consequently, early in May, 1819, Rush was authorized to agree to two additional articles which should be supplementary to the convention of 1818, and which dealt with the colonial trade. He was also instructed by Secretary of State Adams that he should

candidly state to Lord Castlereagh that our ultimate object of participating in the navigation of this necessary trade, having been explicitly avowed, must be steadily pursued; that we deem it more for our interest to leave it on the footing of reciprocal mutual regulation, than to bind ourselves by any compact, the result of which must be to disappoint us of that object; that we think the effect of the three articles declared to be inseparable by the British plenipotentiaries would be to deprive us even of the portion of the carrying which we have already secured by our existing laws, and which we believe we can further secure; and that it is far better for the harmony of the two nations to avoid any bargain in which either party, after agreeing to it, shall have, by experience of its effects, the sentiment of having been overreached brought home to its councils.³⁰

The two articles transmitted to Rush dealt, the one with the British West India trade, the other with that to New Brunswick and Nova Scotia. They were supposed to be a compromise between the articles proposed by the plenipotentiaries of the two countries in the preceding negotiation, but the compromise leaned much more heavily toward the American than toward the British proposals. In the first article, the United States conceded to Great Britain her point that the trade should be confined to a list of enumerated commodities, but insisted on its own point that no higher duties should be levied on American goods, whether by the direct or indirect voyage, in British or American vessels, than on similar articles from any foreign country or any British colony. The second article incorporated the former American contention that the exports from the United States to Nova Scotia and New Brunswick should be limited to those articles which were admitted direct from the United States to the British West Indies, and that the imports from New Brunswick and Nova Scotia to the United States should be limited to the products

²⁹ *Memoirs of John Quincy Adams*, IV, 322, 323.

³⁰ *Am. State Papers, For. Rel.*, IV, 403.

of those provinces only.³¹ The American Government thus persisted in its attempt to have American products admitted into the British West Indies on identical terms with similar products from other British possessions; and in its attempt to prevent an indirect trade between the United States and the British West Indies, thru British North American ports, in articles not permitted in the direct trade.

On June 13, the American minister presented this new proposal to Lord Castlereagh, and as he "thought that nothing was likely to be gained by . . . leaving room for the possible hope that any of its essential provisions would be departed from", he informed the latter "with candor" "that as it was offered, so was it to be taken" since his instructions would admit of no deviations unless on immaterial points.³²

The American proposals being offered in this spirit, it is not surprising perhaps that they were rejected by the British Government. Great Britain was willing to make some modifications in her colonial system, to grant some relaxation of it in favor of the United States in an anxious desire that the two countries might come to an understanding in regard to the colonial trade. But to break down that system was no part of her plan. That the articles offered by the United States would effect an entire subversion of the British colonial system was due in particular, Lord Castlereagh asserted, to three proposals contained therein: (1) That the ports in the British West Indies should be specified; (2) that the trade between the United States and the British North American colonies and with Bermuda should be confined within the same limits as the trade between the United States and the British West Indies carried on directly; (3) that the duties on articles imported from the United States to the British West Indies in American vessels should be no higher than on the same articles when imported from the United States in British vessels, or when imported even from British possessions. These three points, especially the third and second, formed, Lord Castlereagh said, insurmountable obstacles to any convention or arrangement with the United States purporting to embrace them.³³ Altho Lord Castlereagh's rejection was "broad and decided", he stated that it was in a spirit no other

³¹ *Am. State Papers, For. Rel.*, IV, 403, 404.

³² *Ibid.*, IV, 404, 405.

³³ *Ibid.*, IV, 405.

than friendly and frank. The United States might resort to any just and rightful regulations of its own to meet those which Great Britain deemed it necessary to adhere to in regard to her West India Islands; they would form no ground of complaint whatever on the part of the British Government.³⁴

American diplomacy, having failed to budge Great Britain from her "tenacious, nay obstinate, adherence . . . to her colonial system",³⁵ the United States must seek some other means to this end. Obviously, looking back at the concessions which the British Government had just been willing to grant, the American navigation act had had some effect. Perhaps more of the same treatment would produce even greater effect. Certainly there were those among American political leaders who held this view, who had held it for some time.³⁶ The Senate Committee on Foreign Relations, it will be recalled, had been of this opinion early in 1819.³⁷

The navigation act, from the American viewpoint, certainly had had one good effect. It had destroyed the profitable triangular commercial route which had formerly been monopolized by British shipping. British tonnage entering American ports had fallen from 174,935 tons in 1817 to only 36,333 tons in 1819.³⁸ The American consul at Liverpool reported that nearly all the direct trade between the United States and England had come to be carried in American vessels.³⁹ But it had failed, to a great extent at least, to prevent American goods from getting to the West India planters, and it was this privation which, it had been hoped, would indirectly compel the British Government to recede from its long-held colonial system.

The failure of the American navigation act to accomplish all that had been planned for it was due to the fact that it had been considerably neutralized by British regulations. At the very outset, Bermuda was excluded from its operation because it was a free port and thus open to American ships.⁴⁰

³⁴ *Am. State Papers, For. Rel.*, IV, 406.

³⁵ Quoted from *Reif's Philadelphia Gazette* in the *New York Evening Post*, May 5, 1820.

³⁶ *Memoirs of John Quincy Adams*, IV, 323, 492. *Life and Correspondence of Rufus King*, VI, 159.

³⁷ *Reports of Com. on For. Rel.*, VIII, 28.

³⁸ Bates, *American Navigation*, 183.

³⁹ *Memoirs of John Quincy Adams*, V, 41.

⁴⁰ *New York Evening Post*, July 3, 1818.

Consequently as soon as the navigation act went into operation, a trade, previously unknown, sprang up between Bermuda and the United States, partly in American vessels and partly in British vessels. In this way the trade, which the American Government had intended to suppress, continued to be carried on indirectly thru Bermuda, the longest part of the transit being performed by British vessels, and even a part of the trade between the United States and Bermuda being carried on in British ships.⁴¹

But this was not all. As soon as it had become evident, early in 1818, that the American Government was about to enact a stricter measure of retaliation, and even before its actual adoption, the British Government had moved to counteract its effects by the adoption of two new commercial regulations. The first was a free port act, passed May 8, 1818, by which the King in Council was authorized to designate ports in New Brunswick and Nova Scotia as free ports for a limited time.⁴² Into these free ports the following articles might be imported:

scantling, plank, staves, heading-boards, shingles, hoops, horses, neat cattle, sheep, hogs, poultry, or live stock of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort, pitch, tar, turpentine, fruits, seeds, and tobacco.

The importation of these articles might be in either British or foreign ships, but in the latter only in case the articles were the growth of the country to which the ships belonged. These goods were permitted in turn to be re-exported to the United Kingdom or its possessions, but in British ships only.⁴³ On the other hand, there might be exported from these free ports gypsum, grindstones, or other produce or manufacture of the said provinces; also any produce or manufacture of the United Kingdom, or of the British West Indies or any goods whatever which shall have been legally imported into the said provinces.

Here again the export was permitted in either British or foreign ships, but in foreign ships only in case they belonged to the country to which the articles were being exported.⁴⁴

The purpose of the act was obvious. The articles which might be imported were precisely those needed, not in the

⁴¹ Report of Com. of Commerce and Manufacture, *Am. State Papers, Commerce and Navigation*, II, 400.

⁴² *Annual Register*, 1818, LX, Appendix, 352.

⁴³ *Boston Daily Advertiser*, July 2, 1818.

⁴⁴ *Ibid.*

provinces of Nova Scotia and New Brunswick, but in the British West Indies. Altho couched in general language as to foreign vessels, really the act applied almost solely to those of the United States. No other country would be likely to export to these free ports the articles enumerated; no other country would be likely to draw from them many of the articles permitted to be taken away. These free ports should become places of deposit in an indirect trade between the United States and the British West Indies, a trade in which British shipping should enjoy much the greater share. The increased cost of the articles, due to additional freight and the like, would, of course, have to be borne by the West India planters.

This act of Parliament was carried into effect by an order in council of May 27, 1818, designating St. Johns and Halifax as the free ports.⁴⁵ And seven weeks before the American act went into operation, the British act was proclaimed in Halifax.⁴⁶ The United States Treasury Department, to be sure, ruled that Halifax and St. Johns were not open to American vessels by the "ordinary laws of navigation and trade" and therefore refused to admit British vessels from those ports to the United States.⁴⁷ But American vessels were free to resort to them with their cargoes, and lost no time in doing so. As early as August, several arrived in one day at Halifax.⁴⁸ The day before the American restrictive act went into effect, ten vessels exclusively British were loading at Halifax with goods for the British West Indies.⁴⁹ And American trade to these free ports continued to increase; in fact, it increased so rapidly that the Halifax merchants were not prepared to embrace all the advantages which it offered.⁵⁰ Thus was the American navigation act neutralized thru the coöperation of the British free port act and American merchants.

Nor was this all. The free port act was planned more especially to protect British shipping interests than to aid the West India colonists. For the latter a second measure was passed, which permitted the import into the British West In-

⁴⁵ *American Mercury*, Aug. 11, 1818.

⁴⁶ *Boston Daily Advertiser*, Aug. 25, 1818.

⁴⁷ *Ibid.*, Sept. 10, 1818.

⁴⁸ *Halifax Royal Gazette*, Aug. 19, 1818, in *Daily National Intelligencer*, Sept. 7, 1818.

⁴⁹ *New England Palladium and Commercial Advertiser*, Oct. 6, 1818.

⁵⁰ *Ibid.*, Nov. 27, 1818.

dies of tobacco, rice, grain, peas, beans, and flour from any colony or possession in the West Indies or on the continent of America under the dominion of any foreign *European* sovereign or state, provided the importation was in British vessels.⁵¹ The purpose of this act was to secure thru the Danish and Swedish West Indies a few of the most essential articles of food which were needed in the British islands. These articles, it was expected, American vessels would bring to the foreign islands, whence they would be carried to the British planters in British ships. Thus a third avenue was opened for the importation of American supplies.

There is no doubt that American goods to a considerable amount found their way to the British West Indies by one or the other of these indirect routes. By comparing the exportation to each for the years 1818 and 1819 an approximate total of the amount which was passed on to the British West Indies can be reached.⁵²

For years ending September 30.	1818	1819
British West Indies, including Bermuda.	\$3,488,653	\$843,312
British North American provinces.	2,355,700	3,038,995
Swedish West Indies.	278,846	345,793
Danish West Indies.	983,583	1,120,857
	\$7,106,782	\$5,348,957

Allowing that all the increases in exports to the British North American provinces and the Swedish and Danish West Indies were passed on to the British West Indies, the latter in 1819 secured \$1,757,825 in American goods, or approximately 50 per cent of what they had received in 1818. In addition, there was, no doubt, an increased exportation to them during 1819 from other parts of the British Empire. The British Government would probably make a special effort to provide for them, at least during the first year.

Nevertheless, in spite of all this neutralizing of the American navigation act, the British West Indies were compelled to send out pleas for assistance. Within a month after the American act went into effect, the General Assembly of the island of Jamaica voted a memorial to the British Prince Regent, representing "the dreadful evils which they were

⁵¹ *Annual Register*, 1818, LX, Appendix, 353. *Am. State Papers, For. Rel.*, IV, 411.

⁵² Figures from tables in *Am. State Papers, Commerce and Navigation*, II, 158, 388.

threatened with by the new Navigation System of the United States", and praying for some measures to avert them.⁵³ Later the merchants of Jamaica joined those of New Providence in petitioning the British Privy Council to make the latter island a depot for a trade with the United States because of the conveniences and benefits which would accrue to Jamaica from such a measure.⁵⁴ Occasionally governors of the various islands, under pressure of dire necessity, took matters into their own hands. The Governor of St. Lucia, in consequence of the destruction of native provisions by an excessive drought, issued a proclamation, opening the port of Castries to *any* vessels laden with provisions or lumber "the growth and produce of the United States of America" altho such vessels might *not be furnished with a register or clearance from the port whence they came, or with any other papers whatever, except a general manifest of cargo*".⁵⁵ During the next year the Virgin Islands, St. Christopher, and Nevis were opened under much the same circumstances and in much the same way.⁵⁶

There were, therefore, toward the close of the year 1819, three reasons which might be advanced for the enactment of a more vigorous measure of retaliation against the British colonial system. First, the general need for some coercive action still existed: Great Britain continued to adhere to her colonial laws, and had spurned the American offer of reciprocity in the West India trade. Second, the former navigation act had proved to lack sufficient coercive power: it had been neutralized to a great degree by British regulation. Third, evidence was not lacking that a more vigorous measure on the part of the American Government would work such havoc among the West India planters as to compel Great Britain to let down the bars of her colonial system for their relief: even the defective act of 1818 had provoked cries for relief from these same planters.

Actuated by these motives, perhaps, or, what is more likely, by his Secretary of State, John Quincy Adams, President Monroe, having pointed out that the American efforts

⁵³ *Niles' Register*, XV, 156. *Daily National Intelligencer*, Oct. 21, 1818.

⁵⁴ *New Providence Gazette* quoted in *St. George's Chronicle and Grenada Gazette*, Aug. 7, 1819.

⁵⁵ *Daily National Intelligencer*, Oct. 21, 1818.

⁵⁶ *Boston Daily Advertiser*, Nov. 8, 1819, Nov. 15, 1819. *Columbian Centinel*, Nov. 17, 1819.

to have the "principles of justice and reciprocity" applied to the British West India trade had failed, recommended to the consideration of Congress in his annual message of 1819 whether further prohibitory provisions in the laws relating to this trade might not be "expedient".⁵⁷ The Committee of Commerce and Manufactures in the Senate took the same general stand as the President, also recommending, in its general report in December, that further provisions should be adopted to carry the American navigation act to its full effect.⁵⁸

During the conferences which were held by the committees to which the President's recommendation had been referred, it developed that the Administration was inclined not only to prohibit the trade with the British colonies in America, but to prohibit the importation of articles the produce of those colonies even tho brought by American vessels from foreign ports. Others were inclined simply to a total prohibition of the trade, while still others were of the opinion that an option should be left to the British Government to open some free ports in the West Indies to American ships.⁵⁹

Altho the House Committee was the first to introduce a bill on this subject, the bill which was finally adopted originated in the Senate where, once more, Senator Rufus King took the lead by introducing two resolutions. The purport of these resolutions was that the provisions of the act of 1818 should be extended and applied to Bermuda, the Bahama Islands, and to all other colonies of Great Britain in the West Indies which were not then included; and, secondly, that no goods should be imported into the United States from New Brunswick, Nova Scotia, Newfoundland, Bermuda, the Bahama Islands, or any place under Great Britain in the West Indies, "except such goods only as are truly of the growth, produce, or manufacture of the province, colony or place from which the same shall be directly imported into the United States".⁶⁰ These resolutions were referred to the Committee on Foreign Relations, four of whose five members were from Louisiana, Virginia, North Carolina, and Georgia. After conferring with Adams, Crawford, and Rufus King, this committee reported a bill framed precisely on the King resolutions.⁶¹ After some

⁵⁷ Richardson, *Messages and Papers*, II, 59, 60.

⁵⁸ *Am. State Papers, Commerce and Navigation*, II, 400.

⁵⁹ *Memoirs of John Quincy Adams*, IV, 495, 492, 504.

⁶⁰ *Annals of Cong.*, 16 Cong., 1 Sess., I, 491.

⁶¹ *Ibid.*, I, 557, 586. *Memoirs of John Quincy Adams*, V, 39-42.

brief debate, in which senators from Louisiana, New York, North Carolina, Virginia, Massachusetts, and New Hampshire supported the measure, it was finally amended so as to extend to Lower Canada as well, and was then passed by a vote of 40 to 1, the one vote in opposition coming from Senator Wilson of New Jersey.⁶² It is thus evident that there was no sectionalism in the consideration of this restrictive measure. The appeal thruout was to the spirit of American nationalism, a fact which is admirably shown by the concluding words of Senator Barbour of Virginia: "Our success is in our hands. To yield is to commit our character, and to entail the yoke upon us forever. To persevere is to triumph. Between such alternatives an American Senate cannot hesitate in its choice."⁶³

In the House, the Senate bill superseded that which had been reported earlier by the Committee on Commerce, the chairman, Representative Newton of Virginia, reporting the Senate bill immediately without amendment. With very little debate it was finally passed by a vote of 94 to 25. The opposition was scattered: eight from the South, four from the Middle West, and thirteen from north of the Mason and Dixon Line.⁶⁴

This act, which was made supplementary to the original navigation act of 1818, received the approval of President Monroe on May 15, 1820. By its provisions the ports of the United States were closed, after September 30, 1820, against British vessels coming from ports in Lower Canada, New Brunswick, Nova Scotia, Newfoundland, St. Johns or Cape Breton, Bermuda, the Bahama Islands, the Caicos Islands, or any British possession in the West Indies or in America south of the southern boundary of the United States. No goods were to be imported from the prohibited places unless they were wholly the growth, produce, or manufacture of the colony where laden and whence directly imported.⁶⁵ It was a non-intercourse in British vessels with *all* the British American colonies, and a prohibition of all articles the produce of those colonies except the produce of each imported directly from itself. Colonial articles might not even be taken to England and thence exported to the United States.

⁶² *Annals of Cong.*, 16 Cong., 1 Sess., I, 596, 597.

⁶³ *Ibid.*, I, 584.

⁶⁴ *Ibid.*, II, 1822, 1836, 2240.

⁶⁵ *Public Statutes at Large*, III, 602-604.

Judging from the great dearth of comment in the newspapers during the consideration of this bill, there was very little interest in the subject on the part of the public in general. Apparently the only opposition was in the South where the *Norfolk Herald* and the *Richmond Enquirer* censured the measure, the reason being, doubtless, that a large portion of the vessels from Bermuda visited Norfolk and the ports of the South.⁶⁶ The *New England Palladium*, however, was of the opinion that the act would operate to make the ports of St. Jago (Santiago), St. Thomas, and the like more important places of deposit; and that the trade with these foreign West Indies would be carried on in American bottoms.⁶⁷

When Lord Castlereagh was informed of the passage of the supplementary act, he replied that no unfriendly temper was inferred by his Government from the measure: "far from it". It was considered simply as an American commercial regulation adopted to meet the British, and "not incompatible with the relations of harmony existing between the two nations".⁶⁸ Perhaps the reason for his mildness was the fact that he held a view similar to the editor of one of the London papers, who wrote—

The business of the American Congress assumes an air not altogether friendly to our commercial interests; but affects, in truth, so small and so inconsiderable a portion of our general trade, as to be worthy of no other notice than as indicating the spirit in which they originate.⁶⁹

Before many months had passed, however, the combined effects of the American acts of 1818 and 1820 began to convince some parts of the British Empire that "the business of the American Congress" was worthy of considerable notice.

Both American and British West India sources agree that one of the chief effects of these restrictive acts was upon the shipping engaged in the West India trade. Direct intercourse between the United States and the British West Indies was cut off, and the trade was carried on indirectly. The supplies for the colonies were carried in American vessels to the Swedish, Danish, or Dutch islands, and the produce of the British West Indies was brought in British vessels to the same islands, and there exchanged. In this trade, of course, American vessels possessed much the longer carriage. American

⁶⁶ *New England Palladium and Commercial Advertiser*, April 18, 1820.

⁶⁷ *Ibid.*

⁶⁸ *Am. State Papers, For. Rel.*, V, 84.

⁶⁹ Quoted in *Daily National Intelligencer*, May 24, 1820.

supplies were also sent in American vessels to the free port of Bermuda, and there sold for cash. Flour was sent in like manner to Cuba or Liverpool, and from these places carried in British vessels to the West India colonies.⁷⁰ The result of this condition of trade was, according to the legislature of St. Christopher, that the

United States have actually possessed themselves of all the advantages of the carrying trade, which (but for these restrictions) would at least be divided by British enterprise—the vessels of the United States alone bringing all our supplies, and carrying back all colonial produce that they are permitted or will consent to receive.⁷¹

The same effect was pointed out even earlier by an American paper.⁷²

Altho, undoubtedly, the American tonnage engaged in trade with the West Indies did experience an increase in this way, the total tonnage of the United States engaged in foreign trade showed no such increase, but on the contrary a slight decrease. The reduced British tonnage entering American ports, however, exhibited a slight tendency upward. The situation is shown by the following figures:⁷³

YEARS ENDING DECEMBER 31	American Tonnage Engaged in Foreign Trade, Entering American Ports	British Tonnage Engaged in Foreign Trade, Entering American Ports
1820.....	801,252	47,365
1821.....	765,098	52,976

Consequently, it would seem to be safe to assert that had the effect on navigation been the only result of the American acts, Great Britain would probably have been content to let the respective navigation systems stand.

But much greater pressure was brought to bear upon the British Government by the effect of the American acts upon prices in the British West Indies, both of imports and exports. The price of imports into these islands was greatly enhanced by double freights,

⁷⁰ *Am. State Papers, Commerce and Navigation*, II, 631. Petition of Assembly of Jamaica, in *Niles' Register*, XXII, 56, 57. Memorial of Legislature of Antigua in *St. Christopher Gazette*; and *Charibbean Courier*, April 5, 1822.

⁷¹ Petition in *St. Christopher Gazette*; and *Charibbean Courier*, Feb. 22, 1822.

⁷² *New York American (for the country)*, Jan. 23, 1822.

⁷³ Bates, *American Navigation*, 183.

insurances, commissions, custom-house and shipping charges;⁷⁴ and yet the British planters were compelled to bear all this increase because of the great need for American goods. But altho this situation was bad enough, it was made doubly bad by the fact that British West India exports suffered a corresponding decrease in price. In order to secure a market they were obliged to compete with goods from other sources which did not have to pay double freights and the like. Consequently, if the British planters were to sell their goods in American markets, their selling price at the source had to be low enough to enable them to compete, after the charges for double transportation had been added.⁷⁵ The above facts are clearly shown by a table of prices prepared by the legislature of Antigua.⁷⁶

IMPORTS	PRICE, MAY, 1791	PRICE, MAY, 1821
Indian corn, per bushel.....	6s 6d	13s 6d
White pine lumber, per 1,000.....	£10	£50
Pitch pine lumber, per 1,000.....	12	40
White oak staves, per 1,000.....	12	40
Red oak staves, per 1,000.....	12	27-30
Shingles, best 22-inch, per 1,000....	2 5s	6 15s
EXPORTS		
Rum, per gallon.....	4s 6d	3s 6d
Molasses, per gallon.....	2s 9d	No demand — sold at a late Custom House sale at 7½d per gallon

Another evil effect which was felt by the British planter in the West Indies was the demand for the use of money in exchange rather than the former system of barter. The articles of lumber, without which the West India sugar could not be forwarded to England, were almost exclusively the productions of the United States so far as the West Indies were concerned. These American productions, as a result of British and American restrictions, could be sent to the West Indies only thru Bermuda. But, since American vessels were not permitted by their own laws to import West India produce

⁷⁴ Petition of Assembly of Jamaica in *Niles' Register*, XXII, 56, 57. Memorial of Legislature of Antigua, in *St. Christopher Gazette*; and *Charibbean Courier*, April 5, 1822.

⁷⁵ *Ibid.* *New York American (for the country)*, Jan. 23, 1822.

⁷⁶ *St. Christopher Gazette*; and *Charibbean Courier*, April 5, 1822.

into the United States from Bermuda, the lumber had to be paid for in cash. Even if the British planter turned to the British North American provinces in search of lumber, he was confronted by the necessity of paying cash, since those provinces offered only a limited market for rum and molasses.⁷⁷ This demand for money was an especial burden at a time when prices of British West India products were depreciated.

These evils were reflected in the depreciation of property of the British planters. For instance, two estates in St. Kitt's for which £45,000 had been paid in 1817 were sold at an auction in London in June, 1822, for £16,000, a decrease of approximately 65 per cent.⁷⁸ The owners of West India property were "threatened with absolute and immediate ruin".⁷⁹ Confronted by this depreciation of property, the mortgagees for the West India estates, who were for the most part merchants, bankers, and produce brokers, began, with the utmost diligence, to prosecute the proprietors and their properties to the foreclosure and sale of their estates. A vast number of orders were sent out early in 1822 to hasten these sales with all possible expedition.⁸⁰

Naturally, when faced by these hardships and disasters, the British West India colonists did what the Americans had hoped they would do: they raised their voices loudly in protest against the navigation system of Great Britain which was the indirect cause of their woes. Petitions and memorials poured in to the King and the House of Commons. The Assembly of Jamaica took the lead in this matter in December, 1821, by revealing to the King the wretched condition of that island, and informing him that

A new system of intercourse upon the basis of mutual benefit, permitting the importation in American bottoms of the products of the United States and the exports of our staple commodities in return, would afford an important relief to the distresses of your Majesty's colonies, and have the advantage of opening to British ships a trade from which they are now excluded.⁸¹

The legislature of St. Christopher soon added its voice in sup-

⁷⁷ *St. Christopher Gazette; and Charibbean Courier*, April 5, 1822.

⁷⁸ *Ibid.*, July 19, 1822.

⁷⁹ Resolution of Committee of West India Planters and Merchants, in *St. Christopher Gazette; and Charibbean Courier*, Aug. 2, 1822.

⁸⁰ *St. Christopher Advertiser*, April 30, 1822.

⁸¹ *Ibid.*, April 2, 1822. *Niles' Register*, XXII, 56, 57.

port of its fellow colonists in Jamaica, by explaining to the House of Commons that the condition of the island was "deplorable beyond all former example" and that

the great and primary causes of this depression, are to be found in the restrictions which are imposed upon the intercourse of the British West Indies with foreign states . . . whereby the United States of America have actually possessed themselves of all the advantages of the Carrying Trade. . . .⁸²

The assembly of Grenada and the legislature of Antigua contributed their voices to what was now becoming somewhat of a chorus, the latter maintaining that the "most extraordinary and painful situation" of their affairs was due, among other things, to the restrictions on their commerce with the United States. They even went so far as to confess to the King that they had

long entertained the sanguine hope that some arrangement would have been made, not incompatible with the great objects of the national policy, tending to facilitate the introduction of some of our staple productions into the United States of America, and for the easier obtaining our supplies from thence.⁸³

Finally a new note was introduced into this chorus by the legislature of St. Vincent which boldly asserted that they were justly entitled to claim a restoration of the commerce with the United States, or to a compensation for being deprived of it; without which your Memorialists may truly affirm, the present system will prove little short of rendering the valuable West India Colonies a sacrifice to the prosperity of the North American Provinces, where even now, the importation of rum is oppressed by vexatious duties, levied in money, while the only beneficial object of the trade to the Colonies, is a bare interchange of the respective commodities.⁸⁴

That there was a growing feeling of sectionalism within the British empire on the subject of trade seems evident from the above petition; further evidence is found in events in the British North American provinces. As soon as the petitions of the British West India colonists became known in these North American provinces, moves were immediately made to counteract them. Early in February, 1822, a general meeting was held in Halifax at which it was resolved

That as the memorials lately transmitted from certain islands in the West Indies, to His Majesty's Government, for opening their ports to the

⁸² *St. Christopher Gazette*; and *Charibbean Courier*, Feb. 22, 1822. *St. Christopher Advertiser*, Feb. 19, 1822. *Boston Daily Advertiser*, June 4, 1822.

⁸³ *St. Christopher Gazette*; and *Charibbean Courier*, April 5, 1822.

⁸⁴ *Ibid.*, July 5, 1822.

vessels of the United States, relate to points of vital interest to the Northern Colonies, and which, if conceded to the extent desired by the Memorialists must necessarily effect the destruction of our limited trade; it is therefore of the utmost consequence that the fullest representations should be made without delay to his Majesty's Ministers. . . . ⁸⁵

A committee of the merchants of Halifax made a similar recommendation, and the Chamber of Commerce of St. Johns transmitted a memorial to Parliament to the same effect.⁸⁶ Halifax papers teemed with articles in favor of the restrictive system existing between the United States and the British colonies.⁸⁷

But if there was some slight feeling of sectionalism within the British empire over this question, there was even more displayed within the United States. It has already been pointed out that there was a slight indication of this feeling as early as 1819 in Norfolk. By 1820 it had spread to Richmond.⁸⁸ By the opening of the year 1822 it had spread thru most of the South.

Altho it was known in the United States that the American navigation acts were having some evil effects in the British West Indies, it was felt by many, especially in the South, that the injuries suffered in the United States were "not much, if any, less than those suffered by the colonies".⁸⁹ It was pointed out, also, that this suffering was not equally distributed thru-out the United States, that it fell most unequally and injuriously upon four or five of them. The agriculture of Maryland, Virginia, and North Carolina, the lumber of the two Carolinas and Georgia, it was felt in the South, were being almost exclusively taxed "to maintain a commercial experiment which it is supposed may redound to the benefit of all the nation". "Farmers, merchants, dealers in timber and lumber, in fact all classes of citizens" were being deprived in a great measure of their former resources.⁹⁰ And, not knowing of the agitation which was just beginning in the British West Indies to compel Great Britain to recede from her restrictive system,

⁸⁵ *St. Christopher Advertiser*, April 23, 1822.

⁸⁶ *Providence Gazette*, March 13, 1822. *St. Christopher Gazette*; and *Charibbean Courier*, June 7, 1822.

⁸⁷ *Columbian Centinel*, March 9, 1822.

⁸⁸ See above, pp. 59, 60, 71.

⁸⁹ Writer in *Baltimore Telegraph*, quoted in *New England Palladium and Commercial Advertiser*, Dec. 18, 1821.

⁹⁰ Memorial of citizens of Norfolk in *New England Palladium and Commercial Advertiser*, Jan. 22, 1822. Editorial quoted from *Charleston Mercury*, in *New England Palladium and Commercial Advertiser*, Jan. 29, 1822.

the sacrifices which the South had been led to embark upon in a spirit of nationalism began to appear to no purpose. Great Britain, it was contended, was not likely to be coerced into an abandonment of her favorite system; there was no ground for such a hope.⁹¹ Indeed it was even questioned whether every nation has not in view of her "clear right to regulate the trade of foreign vessels with her own soil, . . . the same right to regulate the trade of foreign vessels with her colonies, which are indeed only parts of her own soil".⁹²

Perhaps it was only natural that this state of mind in the South should first be expressed in the form of protest by Norfolk. It was Norfolk which had witnessed "with feeling of regret" the final departure of British ships from her harbor after the act of 1818.⁹³ It was Norfolk which had experienced a decline of her exports from \$2,699,111 for the year 1818 to only \$298,684 for the first nine months of 1821.⁹⁴ Finally it was Norfolk which, reading of the 99 arrivals in her harbor from foreign ports for the year 1821, could recall the year 1803 with its 451 arrivals and the later year 1818 when so many as 45 vessels arrived in sixty days.⁹⁵ At any rate, it was in Norfolk that the mayor, recorder, aldermen, and common council on December 17, 1821, unanimously adopted resolutions that the American navigation acts were highly injurious to the interests of Norfolk and contrary to the true policy of the United States, and recommended that a public meeting be held at the town hall to adopt measures to insure their repeal. Four days later such a public meeting was held at which a memorial was drawn up to be transmitted to Congress.⁹⁶

The movement spread rapidly thru Virginia and the South so that, as one editor pointed out, the situation in 1822 was quite the reverse of what it had been a few years earlier when meetings against commercial restrictions had been held in the northern states and the southern had been quiescent.⁹⁷ During

⁹¹ *Baltimore Telegraph* quoted in *New England Palladium and Commercial Advertiser*, Dec. 18, 1821. Norfolk memorial, *Ibid.*, Jan. 22, 1822. Memorial of citizens of Richmond in *Connecticut Herald*, Jan. 22, 1822.

⁹² Norfolk memorial, *New England Palladium and Commercial Advertiser*, Jan. 22, 1822.

⁹³ *Norfolk Herald* quoted in *Daily National Intelligencer*, Oct. 7, 1818.

⁹⁴ *Am. State Papers, Commerce and Navigation*, II, 525.

⁹⁵ *New England Palladium and Commercial Advertiser*, June 9, 1818. *Norfolk Beacon* quoted in *Newport Mercury*, Feb. 2, 1822.

⁹⁶ *Am. State Papers, Commerce and Navigation*, II, 521-525.

⁹⁷ *New England Palladium and Commercial Advertiser*, Jan. 18, 1822.

January and February, 1822, meetings of citizens were called in Richmond, Petersburg, Fredericksburg, and Nausemond County, Virginia; Wilmington, Fayetteville, and Edenton, North Carolina; Charleston and Colleton, South Carolina; and Savannah, Georgia.⁹⁸ Not all of them, to be sure, adopted measures in opposition to the restrictive system; the Charleston meeting adjourned without action, and that in Fredericksburg actually went on record in favor of the system.⁹⁹ But the great majority favored the repeal of the American navigation acts. The Baltimore Chamber of Commerce likewise adopted a memorial in opposition to the system, which it presented to Congress, while a committee of the legislature of Virginia recommended that their Congressmen be instructed to vote in favor of admitting the British colonial trade.¹⁰⁰

The movement in the South met with considerable opposition in the newspapers of the North. The *New York American* indignantly pointed out that

The object of the petitioners is no other than to induce Congress to give way in a course of restrictive measures gravely and deliberately adopted, and that too at the very moment when those measures are producing their contemplated effect, because, forsooth, the private interests of some individuals, or some districts, are suffering.¹⁰¹

The *New York Evening Post* believed that the repeal of the American restrictive laws at that time would be "unprofitable, impolitic, and injurious".¹⁰² Both papers were of the opinion that Great Britain would recede, and that, unless she did so, "both the honor and interests" of the United States would be consulted by a continuation of the restrictions.¹⁰³ But not all the opposition came from the press of New York; it was found even in one center which had gone so far as to memorialize Congress against the American system. The *Baltimore Telegraph* felt there was only one condition upon which that system should be repealed:

⁹⁸ *Connecticut Herald*, Jan. 22, 1822. *American Statesman and Evening Advertiser*, Jan. 28, 1822. *New England Palladium and Commercial Advertiser*, Feb. 12, 15, 26, 1822. *New York American (for the country)*, March 16, 1822. *Niles' Register*, XXI, 369; XXII, 12.

⁹⁹ *New England Palladium and Commercial Advertiser*, Feb. 8, 1822. *New York American (for the country)*, Feb. 13, 1822.

¹⁰⁰ *New England Palladium and Commercial Advertiser*, Feb. 8, 1822. *Niles' Register*, XXII, 12.

¹⁰¹ *New York American (for the country)*, Jan. 23, 1822.

¹⁰² *New York Evening Post*, Jan. 24, 1822.

¹⁰³ *Ibid.*, Feb. 14, 1822. *New York American (for the country)*, Feb. 16, 1822.

If the Atlantic States, which are almost exclusively interested in the continuance or dissolution of the exciting system of control, feel nothing for the encouragement of ship building, for the object of giving employment to sailors, and thereby laying up means for the efficacy of the navy—if they are willing that those advantages should be passed over to a foreign rival or rivals, and to send along with them the profits of freighting—then ought the clamors we hear, to silence “the still small voice of reason”, and the interest and mistakes of a few to bear sway over important views of the public good.¹⁰⁴

But the ship-owners and merchants of the North were not content to let their defense rest in the hands of the newspapers. Soon after news of the movement in the South reached the chief shipping centers of the country, the forces of those favoring the American restrictive system began to be marshaled. New York and Boston led the counter-attack. A public meeting held in Merchants' Hall in the latter city resolved that the navigation acts had been “highly beneficial” to the agricultural, manufacturing, and shipping interests; that their repeal “would be destructive of the carrying trade, and highly prejudicial to the best interests of the whole community”; and “would not increase the Trade and Commerce of the United States”.¹⁰⁵ The New York Chamber of Commerce took the same general point of view.¹⁰⁶ And not many days later the merchants and ship-owners of Portsmouth and Salem joined the movement.¹⁰⁷

The situation in the United States at this time regarding the American navigation acts was analyzed with a fair degree of accuracy by the editor of a New England paper, who wrote that

The citizens of seaports North of Baltimore appear to be in favor of the continued exclusion of British vessels from their colonies, unless American vessels are admitted to those colonies. The citizens of seaports South of Baltimore seem to be in favor of an admission of British ships without the other condition.¹⁰⁸

The following editorial from the *Salem Gazette* presents what might be called, perhaps, a more scholarly view of the situation:

¹⁰⁴ Quoted in *New England Palladium and Commercial Advertiser*, Feb. 1, 1822.

¹⁰⁵ *American Statesman and Evening Advertiser*, Jan. 28, 1822. *Columbian Centinel*, Feb. 2, 1822. *Am. State Papers, Commerce and Navigation*, II, 623-625.

¹⁰⁶ *American Statesman and Evening Advertiser*, Jan. 29, 1822.

¹⁰⁷ *Portsmouth Journal*, Feb. 23, 1822. *Am. State Papers, Commerce and Navigation*, II, 629-630. *Salem Gazette*, Feb. 26, 1822. *Essex Register*, Feb. 27, 1822.

¹⁰⁸ *New England Palladium and Commercial Advertiser*, Feb. 8, 1822.

An experiment is in operation by this country to compel Great Britain to relinquish her colonial system. We wish it might succeed; for the freer commerce is, the better we doubt not for the world. But our system has now gone several years without that effect: the British colonists are more and more enured to the privations to which it subjects them, and the prospect of producing the desired result seems as distant as at first. Should it eventually fail, the system will perhaps be suffered to expire by its own limitation. In the mean time it may be more proper, more dignified, to make a thorough trial, than to shrink from the measure, and suddenly repeal a law which was very deliberately adopted. This latter expedient is desired by our Southern brethren, who have no shipping and naturally desire to have their produce freighted at the cheapest rate, whether by foreign or our own vessels; it is at the same time opposed in this quarter, as the present navigation laws secure to our own ships the carrying of whatever supplies the British Islands must of necessity have from this country, by whatever indirect and circuitous course.¹⁰⁹

The deluge of memorials, resolutions, and petitions from various parts of the Atlantic states called for some action on the part of Congress. The matter was brought to a head in the Senate when Senator Lloyd, after presenting the memorial of the Chamber of Commerce of Baltimore, offered a resolution that the Committee on Foreign Relations be instructed to inquire into the expediency of removing the restrictions on American commerce which were imposed by the acts of 1818 and 1820.¹¹⁰ This committee, of which Rufus King was chairman, in a long report vindicated the expediency and policy of the restrictive system, and recommended that the committee be discharged from the further consideration of the subject. The general attitude of the committee was revealed in the concluding words of the report:

We are ready to abandon the restrictions on the English navigation as soon as England manifests a disposition to give up the restrictions which she was the first to impose on our navigation.¹¹¹

This report of the committee was almost unanimously adopted by the Senate.¹¹²

Similar action was taken in the House of Representatives. Here the various memorials were referred to the Committee on Commerce of which Colonel Newton of Virginia was chairman. In spite of all the agitation which had taken place

¹⁰⁹ *Salem Gazette*, Feb. 22, 1822.

¹¹⁰ *Annals of Cong.*, 17 Cong., 1 Sess., I, 224, 241.

¹¹¹ *Reports of Com. on For. Rel.*, IV, 528-531. *Annals of Cong.*, 17 Cong., 1 Sess., I, 293-297.

¹¹² *Niles' Register*, XXIV, 105.

among his constituents, Newton remained "inflexibly firm" and reported "most decisively" in support of the American restrictions. This report also was adopted almost unanimously.¹¹³ Undoubtedly one of the reasons for this determined stand in Congress was the fact that since February the papers had been passing back and forth among themselves the news from England that Parliament was considering a modification of its colonial system so as to admit American ships into the British West India trade.¹¹⁴

The action of the committees in Congress was very "gratifying" to the newspapers in the shipping centers.¹¹⁵ Even in Norfolk it was grudgingly admitted that they would rejoice to see American trade with the British colonies renewed upon a good footing. They were inclined, however, to see a fly in the ointment, for

if, as it has been rumored, and as we may reasonably calculate, our commerce with them is to be burthened with heavy discriminating duties, the advantage to us will be in reality no greater than if they were closed against us.¹¹⁶

A Baltimore correspondent, having heard the rumor regarding possible action in Parliament, retracted altogether, writing "There can be but one opinion *now* on this subject."¹¹⁷

When the time for Congress to adjourn came in sight and Parliament, on the other side of the water, was still only debating the question of modifying the British colonial system, Senator King again stepped into the breach by reporting a bill for the occasion. This bill provided that the President, upon being satisfied that the ports of the British West India Islands had been opened to the vessels of the United States, might declare the ports of the United States open to vessels of Great Britain employed in the trade between the United States and those islands, subject to such reciprocal rules and restrictions as he might make and publish.¹¹⁸ Since it was not known what colonial ports would be opened by the expected act of Parliament, nor under what rules and restrictions, the

¹¹³ *Annals of Cong.*, 17 Cong., 1 Sess., II, 1305, 1306. *Niles' Register*, XXIV, 105. *Memoirs of John Quincy Adams*, V, 519.

¹¹⁴ *Maine Gazette*, Feb. 22, 1822. *Connecticut Herald*, March 4, 1822, and many others.

¹¹⁵ *New York American (for the country)*, March 20, 1822. *Boston Commercial Gazette*, March 25, 1822.

¹¹⁶ *In New England Palladium and Commercial Advertiser*, March 22, 1822.

¹¹⁷ *Ibid.*

¹¹⁸ *Annals of Cong.*, 17 Cong., 1 Sess., I, 432.

act was expressed in general and indefinite terms. This bill was quickly passed by both Houses before the final adjournment, and the United States stood expectantly ready to reciprocate the long-awaited action of the British Government.¹¹⁹

Meanwhile the West India petitions had been securing results in England. They had not fallen on ears altogether deaf to their demands, for, during the preceding two years, a movement had gained considerable headway in that country looking toward a simplification and relaxation of the general navigation system. In the preceding year three bills had been introduced by the ministry—the Commercial Statutes Repeal bill, the Importation of Goods bill, and the Navigation Act Amendment bill—which were to complete the revision of the British navigation law and the statutes relative to the foreign trade. Action was to be taken on these bills during the session of 1822.¹²⁰ The West India petitions but added pressure to this general movement and necessitated the drafting of two new bills to cover their particular case.

The first definite step was taken on April 1, 1822, when Mr. Robinson of the Board of Trade asked leave to bring in two bills regarding the British West India intercourse. The first of these bills was to regulate the trade of the British possessions in America and the West Indies with other places in America and the West Indies; the second, the trade between these possessions and other parts of the world. The former bill had two purposes: to prepare for the admission into the West Indies of products of the Spanish colonies in America after they should be recognized as independent, and to relieve the stress which at that time prevailed in those islands, by opening a trade with the United States. Its purpose was "simply this—to substitute a direct intercourse for one which" was "circuitous, dilatory, and expensive". The second bill was to aid in alleviating the West India distress by opening to them direct access to a wider world market. Mr. Robinson's request was granted, and two bills were introduced known as the West Indian and American Trade bill and the Colonial Trade bill.¹²¹

This movement to relax the colonial system, however, en-

¹¹⁹ *Annals of Cong.*, 17 Cong., 1 Sess., I, 434, 435, 440, 447; II, 1777, 1783, 1787. *Public Statutes at Large*, III, 681.

¹²⁰ See *Hansard's Parliamentary Debates*, (2d series), I, 165, 197, 333, 338, 424, 432, 478, 565-594, 599, 861, 863; II, 546-548; V, 1290-1299.

¹²¹ *Ibid.*, VI, 1420-1430.

countered the opposition of the ship-owners of London who brought pressure to bear in an attempt to defeat it. They found it

impossible to bring themselves to conceive, that the admitting the ships of the United States to trade with the British Colonies would be anything short of a measure derogatory to the dignity of the British nation, most destructive of the maritime interests of the country, most ruinous to the North American colonies; at the same time . . . productive of a very small portion of that relief to the planters which they appear to expect from it.¹²²

But the West India merchants and planters resident in London rallied to support the new movement for relaxation, presented a petition to the House of Commons, praying for an open commercial intercourse between the British West Indies and the United States, and appointed a standing committee "to watch the progress of the approaching legislative measures".¹²³ The pressure of this body of influential capitalists who represented, it was said,¹²⁴ investments of approximately £70,000,000 in West India plantations, finally prevailed. On July 24, 1822, the West Indian and American Trade bill became a legal act.¹²⁵

This act permitted the importation of certain enumerated articles into certain enumerated ports in the British colonies in North America and the West Indies. These articles might be imported from any foreign country on the continent of North or South America or from any foreign island in the West Indies, either in British ships or ships of the country of which the articles were the growth, produce, or manufacture, provided the articles were brought directly from such country. The list of articles included chiefly live stock of any kind, grain of any kind, provisions, lumber, naval stores, cotton, wool, and tobacco; but fisheries products and salted provisions from foreign countries were still excluded in the interest of the British North American colonists. The act further permitted the exportation from the enumerated ports of any articles except arms or naval stores, either in British or foreign vessels, in the latter provided they were sent directly to the country to which the ship belonged, and there landed. The same import duties were to be paid on foreign goods

¹²² *St. Christopher Advertiser*, June 25, 1822.

¹²³ *Ibid.*, May 14, 1822.

¹²⁴ *Am. Annual Register*, 1826-27, p. 47.

¹²⁵ *Am. State Papers, For. Rel.*, V, 231.

whether imported in British or foreign vessels. British ships from foreign ports were to be subject to the same tonnage duties, and to be bound by the same list of ports and articles as foreign vessels from the same ports. But duties amounting to about 10 per cent *ad valorem* were levied on live stock, provisions, lumber, and lumber products imported from foreign countries either in British or foreign vessels; such duties were not levied on similar products from other parts of the British empire. Finally, all privileges extended by the act were to be confined to ships of such countries only as should give like privileges to British ships in their ports.¹²⁶

According to the *Edinburgh Review*, this was "one of the very few instances, from the reign of Richard II down" in which was found "an enactment, relating either to commerce or navigation, bottomed on a fair principle of reciprocity". It further reflected, "Had we always acted thus, we should never have heard of the Navigation Laws of North America and Russia."¹²⁷ It was, in fact, the first legislative admission of a direct permanent commerce between the British West Indies and the United States in American vessels. This general concession to foreign countries of America was in effect, if not in words, exclusive to the United States, for it was still withheld from all European Powers, and the new countries of America had not yet been recognized by the British Government.¹²⁸

An analysis of the law reveals the fact that the British Government had receded in several respects from its stand in 1820. A definite enumerated list of ports—refused then—was granted. The list of articles to be exported to the British North American ports included—what was refused then—only those articles which were permitted to be sent directly to the West India ports in American vessels. Finally, the list of enumerated articles which might be carried in American vessels in the direct trade to the West Indies included some important ones which had been refused at that time,—naval stores and lumber, for example. *But* the act, as might be expected, said nothing about not taxing goods imported from foreign ports more than those imported from other British possessions. On the contrary, the act included a schedule of

¹²⁶ *Am. State Papers, For. Rel.*, V, 231-236.

¹²⁷ *Edinburgh Rev.*, XXVIII, 487.

¹²⁸ *Am. State Papers, For. Rel.*, V, 251.

duties on articles imported into British possessions in America and the West Indies "from other places" in America and the West Indies which was designed to afford a slight protection to British North American trade.¹²⁹

Nevertheless, when the concessions of the British act of 1822 are contrasted with the "flat refusal" of the British plenipotentiaries even to treat on the subject in 1815, and their cool assertion at that time that Great Britain was not prepared to make any change in the colonial policy to which she had so long adhered,¹³⁰ it can easily be seen how great a change had been brought about by the American navigation acts of 1818 and 1820. Canning, in a letter some years later, explained that the "obvious way" of meeting the American interdiction of the British West India trade

would have been to open to other commercial and maritime Powers the trade refused by the United States. Circumstances, not necessary to be detailed here, rendered that expedient at that time unadvisable.¹³¹

Considerable light is also thrown upon the conflict by another excerpt from the same letter.

Because *Great Britain submitted, at a moment of necessity, to terms which, though not unjust, were inconvenient to her*, she did not bind herself to continue to submit to them when that necessity should have passed away. Scarcity may justify the demand for a high price, and monopoly may give the power of exacting it; but there is surely no understood compact between the buyer and seller that the former, shall not endeavor to make himself independent of the latter, by opening the market to general competition.¹³²

What is this but admitting what had been contended in the halls of the American Congress four years before, that the British West Indies were dependent upon the United States for their supplies, that they could procure them nowhere else, that eventually "at a moment of necessity" Great Britain would be compelled to submit?¹³³ Huskisson openly admitted that the British act was passed because supplies from the United States were "so necessary" to the West India colonies;¹³⁴ and Canning's secretary, in his *Political Life of George Canning*, says

¹²⁹ *Ibid.*, V, 236.

¹³⁰ See above, p. 32.

¹³¹ *Am. State Papers, For. Rel.*, VI, 251.

¹³² *Ibid.* (Italics are my own.)

¹³³ See above, p. 51.

¹³⁴ *Hansard's Parliamentary Debates* (2d series), XVII, 645.

the controversy therefore turned upon the question, whether we should first be starved into compliance, or they first be tired of the loss of a profitable trade. The victory was theirs, we yielded. . . . ¹³⁵

This was the view adopted by those newspapers of the United States which made any comment upon the outcome of the struggle. One New York editor believed that Great Britain's concession had been "unquestionably extorted from her by the pressure of the severest distress upon her colonies".¹³⁶ Another in Boston thought that the outcome had "admirably proved the wisdom of the system of policy adopted" by the United States in 1818.¹³⁷ Still a third in Washington exulted:

We have gained our point. The deportment of our government in meeting the *scare crow policy of British monopoly*, without shrinking from the honourable stand prescribed by the act of 1818, is a just cause of triumph to the friends of free trade; our firmness has driven a selfish commercial rival, after a long experiment, to dispense an act of justice to her suffering Colonies, highly profitable to our intercourse with them.¹³⁸

Nor was praise lacking for the author and chief advocate of the system of retaliation. A writer in the *Albany Argus* gives him his due.

Our commercial policy has obtained a great triumph. Mr. King's West India Restriction Bill at last produced that change in the policy of the British Government, which he always predicted that it would.¹³⁹

And Rufus King, looking back over the struggle which his bill had inaugurated in 1818 and which, as he had prophesied, had called for "firmness, prudence, temperance and wisdom", might well believe that its triumph had hastened the day of American dominion on the ocean.

¹³⁵ Stapleton, *Political Life of George Canning*, III, 14.

¹³⁶ *New York American (for the country)*, May 1, 1822.

¹³⁷ *Boston Patriot* quoted in the *Essex Register*, Aug. 31, 1822.

¹³⁸ *Washington Gazette* quoted in *St. Christopher Gazette*; and *Charibbean Courier*, Nov. 8, 1822.

¹³⁹ Quoted in *Maine Gazette*, April 5, 1822.

CHAPTER IV. THE UNITED STATES OVERREACHES ITSELF

GREAT BRITAIN had at length been driven by the American navigation acts to make some concessions and to extend some privileges in her colonial trade to American shipping, but she had not done so unconditionally. The very act of Parliament which had granted these privileges had also bestowed upon the King in Council the power to deny them to any nation which did not extend reciprocal rights and privileges to British shipping. In order that American vessels might not be denied these privileges, therefore, it was necessary that the United States should extend similar privileges to British vessels from the British American colonies. Power to do this by proclamation had been conferred upon the President by Congress before its adjournment. Consequently, as soon as the American Government learned of the final passage of the British act, Secretary of State Adams undertook to draft a proclamation suited to meet its conditions.

Two important questions of detail at once confronted Adams in this task. The act of Congress, by whose authority the President's proclamation should be issued, spoke only of ports in the British islands or colonies in the West Indies; but the British act opened, in addition, certain ports in Lower Canada, Newfoundland, Nova Scotia, and New Brunswick. Could the President under his authority open American ports to British vessels from these British American ports? The British act limited American vessels to a direct trade with the colonial ports, and permitted American vessels to import into these ports only articles of the growth, produce, or manufacture of the United States. Should British vessels be limited likewise to a direct trade between those colonies and the United States, and their cargoes confined to articles of the growth or produce of the colony from which they came?¹

After consultation with President Monroe, Calhoun, and Rufus King, the author of the American act of May, 1822, it was eventually agreed that the intention of the act of Congress had been to authorize the President to proceed *pari passu* with the British Government, and that American ports should therefore be opened to British vessels from the enumerated

¹ *Memoirs of John Quincy Adams*, VI, 52, 53.

British North American ports as well as to those from the British West Indies. It was decided also that, altho the restriction of importations in British vessels to articles of the growth or produce of the particular island or colony from which the vessel should directly come would be too narrow, such vessel should be restricted to articles of the British West Indies if coming from one of those islands, or to articles of the British colonies in North America if coming from a port in those colonies.² A proclamation, drafted in accordance with these decisions, was finally issued by President Monroe on August 24, 1822.³

This proclamation, Adams believed, "gave the most liberal construction for the benefit of British vessels to the act of Congress on which it was founded". This act had authorized the President to open American ports to British vessels coming from such ports as Great Britain might *subsequently* open to vessels of the United States. The ports of St. Johns and Halifax in North America, St. George and Hamilton in Bermuda, and those of the Bahama Islands were open to American vessels, however, before the British act of 1822, altho, to be sure, American ports were closed to British vessels from these same ports. Strictly speaking, therefore, it could not be maintained that the British act had opened them. Yet the President's proclamation stretched the meaning of the American act to include these colonial ports which were already open, and in so doing, according to Adams, was much more extensive in its operation than the British act itself.⁴

In one respect, however, the President's proclamation did not proceed *pari passu* with the British act. The latter stated that no other charges should be levied on American ships and cargoes than were levied on British ships and cargoes engaged in the same trade. On the other hand, the President's proclamation did not remove the one dollar per ton for tonnage duties and light money levied on foreign vessels not privileged by treaty stipulations. It likewise failed to remove the extra discriminating duty of 10 per cent levied on importations of goods in such foreign vessels. The circular, sent out by the United States Treasury Department, indeed, specifically stated that these charges were to be paid by British vessels arriving

² *Memoirs of John Quincy Adams*, VI, 53-56. *Writings of John Quincy Adams*, VII, 293, 294.

³ Richardson, *Messages and Papers*, II, 184, 185.

⁴ *Am. State Papers, For. Rel.*, V, 515.

from the colonial ports.⁵ As a result, the situation was that, by the British act, American vessels and cargoes were admitted to the British colonial ports on the same terms as British vessels with similar cargoes from the United States; but, by the President's proclamation, British vessels entering American ports from the British colonial ports were subject to a tonnage duty ninety-four cents per ton higher than American vessels from the same ports, and a discriminating duty on their cargoes of 10 per cent more than that levied on similar cargoes in American vessels.

Altho most of the American newspapers were content merely to publish the President's proclamation without comment, there was occasionally an editor who pointed out that the American Government did not appear to be extending a true reciprocity to British ships. One Northern editor, in the heart of the American shipping district, wrote:

It is understood that American vessels are admitted into the ports of the British West Indies, paying the same duties and fees which are exacted from British vessels; and we have offered to receive their vessels from the West Indies upon "terms of perfect reciprocity"—yet we observe with surprise that an additional duty of 10% is required on goods imported in British vessels; and instead of six cents per ton, for tonnage and light money, paid by our own vessels, they are required to pay 100 cents.⁶

A Norfolk editor took the same view:

Most of our readers understand from the British Acts of Parliament, and the Proclamation of the President, that the intercourse between the United States and the British Colonies is placed upon a reciprocal footing to the vessels of both nations. The Proclamation, however, does not exempt a British vessel *coming from one of her colonies* to the United States, from the charge of foreign tonnage.⁷

If some American editors were of the opinion that President Monroe's proclamation failed to extend equal reciprocity to British ships, certainly it was but natural that the British minister in Washington should take this view. Soon after the publication of the Treasury Department circular, Stratford Canning entered two general complaints against the American regulations: first, that British vessels were liable to a tonnage duty of ninety-four cents per ton higher than that exacted from American vessels, and a 10 per cent discriminating duty

⁵ Published in *Niles' Register*, XXIII, 87.

⁶ *Boston Daily Advertiser* quoted in *Portsmouth Journal*, Oct. 5, 1822.

⁷ *Norfolk Herald* quoted in *Phenix Gazette*, Oct. 12, 1822.

on their cargoes; secondly, that British ships were restricted to the importation of articles of the West Indies if from the West Indies, and to articles of North America if from the ports of the latter.⁸ As a basis for his complaints he maintained first, that the act of Parliament imposed no such discriminating charges; secondly, that altho the latter act did provide that articles should be brought directly from the country of which they were the growth, produce, or manufacture, it established "no distinction whatever between one part of the United States and another".

A vessel, for example, belonging to Boston, and clearing out for the colonies from that harbor, would be permitted . . . to import the tobacco of Virginia and the cotton of Louisiana no less than any other of the enumerated articles which happen to be the produce or manufacture of that immediate neighborhood. The American regulation, on the contrary, will not allow a British vessel, clearing out from Halifax, for instance, or from St. John's, though otherwise duly qualified, to import into the United States the produce or manufacture of the West Indies, nor will it admit of Canadian and other North American produce being imported in a British vessel when coming from a port of the West Indies . . .

These restrictions, Canning maintained, were not the counterpart of any similar ones in the British act, and he reminded Adams that the King in Council had the power to withdraw the privileges offered by this act from countries not giving the like privileges in return to British vessels.⁹

The American reply to Canning's note was drafted by Adams, but, before being despatched, was subjected to the consideration of the President and his Cabinet, who approved it with one or two modifications.¹⁰ In reply to Canning's first complaint, Adams alleged a want of authority in the Executive to remove the tonnage and discriminating duties. These duties were prescribed by former acts of Congress having nothing to do with the system of restriction which the United States had seen fit to impose on the trade between the British colonies in America and itself. The American act of 1822 gave the President no power to remove these charges; they could be revoked only by the authority of Congress which had enacted them. Regardless of this fact, however, the disadvantages under which American vessels must submit to enter

⁸ *Am. State Papers, For. Rel.*, VI, 214. *Memoirs of John Quincy Adams*, VI, 82.

⁹ *Am. State Papers, For. Rel.*, VI, 215.

¹⁰ *Memoirs of John Quincy Adams*, VI, 96-98.

in competition with British vessels employed in the same navigation were, he argued, such that the American restrictions were "surely not more than sufficient". These disadvantages were the restrictions attached to the British act of 1822 which have already been mentioned, such restrictions as admission to enumerated ports only, limitation to enumerated articles in the import trade, exclusion of fish and salted provisions, restriction to direct trade only between the United States and the colonial ports, necessity of payment before admission of duties which he considered in many cases "almost equivalent to prohibition", and the requirement under local municipal laws of the payment of a duty on articles exported to the United States from some of the colonial ports.¹¹ These restrictions did not bind British vessels sailing from one part of the British empire to another, tho they did apply to British vessels engaged in trade between the United States and the British colonies. The competition which Adams had in mind was not that between American and British vessels sailing, for instance, from Boston to Kingston, Jamaica. The competition which he feared was that between a British vessel sailing from St. Johns, New Brunswick, and an American vessel sailing from Portland, Maine, with similar cargoes. Here, naturally, the British ship possessed advantages over the American.

In answer to Canning's second complaint Adams replied:

The colonies of Great Britain in the West India Islands are, in respect to every object of commerce and navigation, as distinct from those in North America as any two nations are from each other. Separated by an ocean, and having scarcely a single article of commercial exchange in common, the productions of neither can, in the natural course of trade, be objects of export from the other. Instead, therefore, of excluding from admission all the articles of the produce of both, with the exception of a small enumerated list, the proclamation has authorized the general admission from either of those articles of its own natural growth or produce, excluding only the admission from either of those articles which it never could export but in consequence of their having been before imported to it from abroad.¹²

Thus, no concession was made to the complaints of Canning, the administration having agreed that this would not be advisable since Congress would meet within a month, and since it was "evident that the regulation of the intercourse with the

¹¹ *Am. State Papers, For. Rel.*, VI, 215, 216.

¹² *Ibid.*, VI, 216.

British colonies must be a subject of negotiation between the governments".¹³

Adams' reply, however, did not convince Canning of the justice of the American position. The latter still contended that, since the trade between certain British colonial ports and neighboring islands and countries had been opened on condition of reciprocity, the United States had no cause for complaint because of charges and restrictions which might be disadvantageous to the American trade, however inconvenient they might prove in themselves, so long as others, both British and foreign engaged in the same branch of trade, were equally subject to their operation.¹⁴ In this contention he would seem to have been justified. Further, he maintained that the productions of the British West Indies and North American provinces were no more distinct from one another than those of New England from those of Louisiana or Georgia; that, in fact, these British colonies had just as good a right to be classed as parts of the same country as the latter. In support of his position, he cited a ruling of the Treasury Department of the United States in which it had been expressly declared that the word "country", as employed in the act concerning navigation, was to be "considered as embracing all the possessions of a foreign State, however widely separated, which are subject to the same supreme executive and legislative authority".¹⁵ Canning, it would seem, was getting the better of the argument.

This formal correspondence was accompanied by informal personal interviews in which Canning irritated Adams by constantly reminding him of the King's power to prohibit the trade by an order in council if privileges similar to those granted by the British act to American vessels should not be allowed to British vessels.¹⁶ The conversation in these conferences became at times somewhat acrid, judging from Adams' report of one held on November 25, 1822.

I told him it was probable . . . that Congress might remove that discrimination and substitute other regulations in its stead, perhaps a limitation to direct voyages, both to and from the colonies, perhaps a limited list of imports, excepting the most important of their export

¹³ *Memoirs of John Quincy Adams*, VI, 98.

¹⁴ *Am. State Papers, For. Rel.*, VI, 216.

¹⁵ *Ibid.*, VI, 217.

¹⁶ *Ibid.*, VI, 227.

articles, such as rum, for which they could find no other market, as they excluded our salted fish and provision.

He said he was sure that was what I was coming to, and again intimated the threat of closing the ports again, which I again told him they were quite free to do, and no doubt would do, if they found it for their interest. We knew that had been their motive for opening the ports. He said we supposed they had been compelled by our restrictive measures to open the ports, but he believed we were in that mistaken. I said that we did not attribute it altogether to that. We ascribed much to the independence of the South American provinces, under which it was impossible that the old exclusive and excluding colonial system should much longer endure anywhere.¹⁷

In the correspondence and conferences, which continued thruout the following session of Congress, Canning repeatedly pressed the claim for admission of British vessels from the colonies, free from all discriminating duties and charges. He communicated copies of documents from collectors of customs at Kingston, Jamaica; Halifax, Nova Scotia; and Basseterre, St. Christopher, certifying that British and American vessels paid the same fees, or that by the act of Parliament they paid the same duties, or that they paid the same custom-house expenses.¹⁸ But according to Adams, who makes a point of the fact, Canning never pledged himself or his Government to "any declaration that there were no discriminating duties in the enumerated ports". Adams claimed that the act of Parliament did not abolish any discriminating or countervailing duties which existed in the British colonies to the disadvantage of the United States prior to the British act, that in fact there were local regulations which did so discriminate, and that they still continued to operate to the disadvantage of the United States. He seemed to be able to cite but one instance of such discrimination, however; namely, that an American vessel, which had entered a colonial port from the United States, was compelled to return directly to an American port, and to pay a heavy export duty upon any cargo which she might take on the return voyage, while a British vessel, entering the same colonial port, also from the United States, was not compelled to return to the United States but had the world before her for her subsequent voyage, and paid no export duty upon the cargo which she took to any other British colonial port or to Great Britain. This discrimination, he maintained,

¹⁷ *Memoirs of John Quincy Adams*, VI, 104.

¹⁸ *Am. State Papers, For. Rel.*, VI, 217-220, 227.

was not the less effectual for being indirect.¹⁹ And yet here again, Adams appears to be attempting to obtain for American ships the advantages which British vessels had when engaged in commerce within the British empire.

Meanwhile, since the privileges extended by the President's proclamation would expire with the close of that present session of Congress, the Senate Committee on Foreign Relations had been considering the draft of a bill which should meet the British act of 1822. In maturing this bill they had before them that act of Parliament, the President's proclamation, and the correspondence between Canning and Adams concerning it.²⁰ They were therefore cognizant of the complaints which the British minister had already made. On January 18, 1823, the bill as finally drawn up was reported to the Senate which, in the course of the following month, passed it with little discussion and no modification. Being transmitted to the House, it was passed within two weeks by that body without amendment.²¹

The chief features of this act, which gave unmistakable evidence of the guiding hand of Adams, provided: (1) that ports of the United States should be open to any British vessel coming directly from any of the enumerated British colonial ports, and that the importation in such vessel of any articles of any of those colonies should be permitted provided articles of a like nature from elsewhere were not prohibited by law, and provided that they might be exported from the enumerated ports to the United States on equal terms in vessels of either state; (2) that

on proof being given to the President of the United States, satisfactory to him, that, upon the vessels of the United States admitted into the above enumerated British colonial ports, and upon any goods, wares, or merchandise, imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted than upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from elsewhere,

the President might issue a proclamation, declaring that no other or higher duty of impost or tonnage should be levied on British vessels from the enumerated colonial ports, or upon goods imported in such vessels, than upon American vessels

¹⁹ *Am. State Papers, For. Rel.*, VI, 228, 220.

²⁰ *Ibid.*

²¹ *Annals of Cong.*, 17 Cong., 2 Sess., I, 102, 224, 331, 960, 1070, 1121.

from the same ports or goods imported therein; (3) that until such proof should be given, British vessels coming from the colonial ports should continue to pay the foreign tonnage duty and the discriminating duty of 10 per cent upon their cargoes; (4) that vessels coming directly from the enumerated British colonial ports might import only articles of the growth, produce, or manufacture of those colonies, and such articles might be imported only in vessels coming directly from those colonial ports; (5) that goods of the United States might be exported to any of the enumerated colonial ports in British vessels, provided the vessels had come directly from one of those ports. Minor points of the act provided that the acts of 1818 and 1820 were only suspended, that the act would continue in force only so long as the enumerated British colonial ports were open to American vessels, and that any other British colonial port which might subsequently be opened to American vessels should have the profit of this act.²²

The vital point of this act was the word "elsewhere" in the second section. By the Administration this word was intended to mean "anywhere else", including other British possessions and even Great Britain herself. In plain words, the act meant that until proof should be given that American vessels and cargoes from the United States were admitted into the British colonial ports on the same terms as British vessels and cargoes from Halifax, for instance, or from London, British vessels entering the United States from British colonial ports must continue to pay the foreign tonnage duty and the discriminating duty of 10 per cent upon their cargoes. Thus, once more, the American Government put forth the claim, covert to be sure, that American vessels and goods should be admitted into the British colonial ports on the same terms as British vessels and cargoes from other parts of the British empire. This had been for some time a strong contention of Adams who believed that discriminating duties were necessary to secure to American vessels their full share of the British West India carrying-trade. This view was also held by Rufus King.²³ But, as Huskisson later pointed out, it

was a pretension unheard of in the commercial relations of independent states. It was just as unreasonable as it would be on our part to require that sugar or rum, from our West India islands, should be ad-

²² *Public Statutes at Large*, III, 740-742.

²³ *Life and Correspondence of Rufus King*, VI, 493.

mitted to New York upon the same terms and duties as the like articles, the growth and production of Louisiana, or any other of the 24 separate states which now constitute the federal union.²⁴

It was just as unreasonable as it would be today for Great Britain to demand that sugar from the British West Indies should be admitted into the United States on the same terms and subject to the same duties only as sugar from Hawaii or the Philippines.

Whether Congress realized the significance of this word at the time the act was passed appears to be a matter of dispute. According to Adams the "full import of the term *elsewhere* . . . was deliberately examined and settled as well in the Senate as upon a consultation by the President with the members of the administration"; and "the committee of both houses had been very explicitly informed of the full import of the term".²⁵ Senator Benton, however, stated later that no one saw the drift of this "apparently harmless word" but "those in the secret".²⁶ Senator Samuel Smith of Maryland took the same stand. He stated that

Congress met, and a bill was drafted in 1823 by Mr. Adams then Secretary of State and passed both houses, with little if any debate. I voted for it, believing that it met in a spirit of reciprocity the British act of Parliament. This bill, however, contained one little word, "elsewhere" which completely defeated all our expectations. It was noticed by no one. The Senator from Massachusetts (Mr. Webster) may have understood its effect. If he did so understand it, he was silent.²⁷

While this bill was being discussed by the Senate Committee on Foreign Relations, a copy had been communicated to Canning who made some written remarks upon it. To begin with, he pointed out that the "general tone and character" of the bill were "strikingly restrictive". He questioned the limiting of British vessels to a direct trade between the colonies and the United States, but his chief question was in regard to the meaning of this word "elsewhere". He was evidently suspicious, for he stated that the word appeared "susceptible of a construction which, if intended, would surely put the question of discriminating duties on a footing no less unexpected than irreconcilable with the fair and natural view of the subject". His fear was that it might be interpreted to

²⁴ *Hansard's Parliamentary Debates* (2d series), XII, 1106.

²⁵ *Am. State Papers, For. Rel.*, VI, 228. *Memoirs of John Quincy Adams*, VII, 216.

²⁶ Benton, *Thirty Years' View*, I, 125.

²⁷ Quoted in *Ibid.*, I, 125, 126.

mean exactly what the Administration intended, that is, not only foreign countries, but other parts of the British empire as well. Against this possible interpretation Canning argued that both parties must remain "at liberty to raise revenue, and to protect their home produce by levying duties on foreign imported articles".²⁸ Nevertheless, he was distinctly informed by the American Government that the construction of which he observed the word "elsewhere" appeared susceptible, "was the construction which it was intended to bear and would receive".²⁹

By this interpretation of the American act, therefore, a British vessel from one of the enumerated British colonial ports might enter an American port provided it came directly from the British colonial port. Coming thus, it might bring any articles of the produce of those colonies, provided similar articles were not altogether prohibited by American laws from being imported from all foreign countries, and provided an American vessel might be allowed to export similar articles from the British colonial ports on the same terms. It might not bring articles from Great Britain or other parts of the British Empire. Entering an American port, the British vessel would be subject to a tonnage and light duty ninety-four cents per ton higher than that levied on an American vessel from the same port. Its cargo, besides, would be subject to an additional discriminating duty of 10 per cent more than that levied on a similar cargo in an American vessel from the same place. On the other hand, a British vessel, in order to be allowed to export American goods to any of the enumerated British colonial ports, must first have entered the United States directly from one of those ports. A British vessel might not, therefore, enter an American port from London or Liverpool, and thence clear for the British West Indies. Finally, British colonial products might not be brought to the United States by way of England; they could be imported only in vessels coming directly from the British colonial ports. It is very evident that little effort was made by the American Government to meet the objections previously advanced by Canning.

During the next three months the correspondence between Canning and Adams on this subject had to do principally with

²⁸ *Am. State Papers, For. Rel.*, VI, 221.

²⁹ *Ibid.*, VI, 223.

the exact meaning of the term *elsewhere*, in order that the former might ascertain what the British Government must do in order to enable the President to issue his proclamation for the repeal of the discriminating duties. Upon definitely learning that this word was equivalent to "anywhere else" including even the British territories, Canning concluded that it was vain to enter upon any further discussion of the question, as this meaning of the term necessarily precluded his giving any declaration which would prove satisfactory to the President.³⁰ He therefore informed the British consul-general, and thru him the British consuls in the outports, that the removal of the alien duties on tonnage and imports was not likely to be realized under the circumstances at that time.³¹

To meet this unexpected action on the part of the United States, there were, according to members of the British Ministry at that time, two courses open to the British Government: either again to prohibit the trade with the colonies altogether, or, to retaliate the alien duties imposed upon British shipping, by subjecting American ships entering the enumerated British colonial ports to the like duties.³² Power to do the former was already in the hands of the King in Council by the authority of the British act of 1822. The latter course was preferred, however, for three reasons: first, Great Britain was convinced that a claim so extraordinary as that put forward by the United States would not be persevered in after explanation; secondly, negotiations were then about to be opened between the two governments, in the course of which a full opportunity for explanation would arise; and finally, a more comprehensive measure, giving a wider opening to the trade of other countries with the British colonies was in contemplation, such a measure as would show the United States that, if it did not choose to trade with the British colonies upon equal terms with other countries, the colonies would do without their trade altogether.³³ Doubtless a fourth reason, tho not admitted, was that world affairs were not yet in a condition to enable the British West Indies to subsist without American products. The trade was therefore permitted

³⁰ *Am. State Papers, For. Rel.*, VI, 231-233.

³¹ Canning's letter, copied from *New York Daily Advertiser* in *Niles' Register*, XXIV, 200.

³² Canning in *Am. State Papers, For. Rel.*, VI, 252. Huskisson in *Hansard's Parliamentary Debates* (2d series), XII, 1106.

³³ *Ibid.*

to continue. An act of Parliament was passed, however, empowering the King in Council to impose or remove discriminating duties on vessels and goods of foreign countries according as those countries should be disposed, or not, to act with a fair reciprocity towards Great Britain.³⁴ Based on this act, a British order in council was issued on July 17, 1823, which imposed a duty of four shillings and three pence per ton upon all American vessels entering the ports of British colonies in America and the West Indies, and 10 per cent discriminating duties upon their cargoes.³⁵

As a result, therefore, of the act of Congress of March 1, 1823, and the British order in council of July 17, of the same year, British vessels from the British colonial ports entering American ports were subject to discriminating tonnage and import duties, not levied upon American vessels and cargoes from the same ports; and *vice versa*, American vessels entering the British colonial ports from the United States were subject to similar discriminating duties, not levied upon British vessels and cargoes from American ports. If the trade had been on an unequal basis before the American act of 1823, it was on just as unequal a basis again after the British order in council. Nothing had been gained for American shipping interests. Rather, as the *Norfolk Herald* pointed out, the American Government had maneuvered itself into an awkward position.

If we take no measure, then we have imposed on our vessels a tonnage and duty, in the British colonies, which might have been avoided; if we interdict British vessels going to, and coming from her colonies, it will follow that our vessels will be in like manner interdicted from the colonies, and thus we shall deprive ourselves of a trade highly beneficial.³⁶

The American act of March 1 had aroused no comment on the part of American newspapers; the subsequent British order in council evoked only a little. Interest in the controversy had subsided from its high-water mark in 1817 and 1818. Nevertheless, occasional opinions were expressed by scattered papers. A Philadelphia paper believed that the new tonnage and countervailing duty would possibly fall more heavily upon the British colonist, as the United States sup-

³⁴ *Am. State Papers, For. Rel.*, VI, 246. *Annual Register*, LXV, Appendix, 238.

³⁵ *Am. State Papers, For. Rel.*, V, 535. *London Gazette*, July 22, 1823, quoted in *Niles' Register*, XXV, 41.

³⁶ *Norfolk Herald* quoted in *Boston Daily Advertiser*, Sept. 25, 1823.

plied him with necessities which he could not do without. It was of the opinion, however, that the American mercantile class would prefer the acceptance of the terms established by the British act of 1822 rather than the former non-intercourse or the state of trade as it then existed.³⁷ A Southern editor claimed:

The impolicy of provoking these retaliatory measures will be appreciated by those who are conversant in the West India Trade. In those islands specie is very scarce, and the business is mostly carried on by barter; very little specie was required, whereas, now, a considerable sum will be required to pay the tonnage and duties, which must be paid in specie, to raise which, a part of the cargo must be sold at reduced prices.³⁸

The *New York Merchantile Advertiser* concluded that, until the British West India intercourse was "put upon a more permanent, and really equal and amicable footing", there would "be nothing but a succession of countervailing acts passed by the two governments, each seeking to gain as much, and give as little as possible". It was hopeful, however, that the negotiations "which it is understood are now going on in London between Mr. Rush and the British Cabinet" would place the trade upon such a footing.³⁹

Meanwhile, as intimated in the above editorial, diplomatic negotiations had been resumed in an effort to reach a satisfactory settlement of the West India trade. The American Government, having from long experience come to the conclusion that no satisfactory arrangement could be reached in regard to this trade by legislative acts while each government pursued its own course without agreement or concert with the other, decided to propose once more that this trade be regulated by treaty.⁴⁰ To this end Rush was authorized, early in the summer of 1823, to adjust the question with the British Government and to sign a convention if one could be agreed upon.⁴¹ The desire of the American Government was to have the West India trade continue on the footing upon which it had been placed by the act of Parliament of 1822 and the act of Congress of 1823, but with a removal of the discriminating

³⁷ *United States Gazette* quoted in *Richmond Enquirer*, Oct. 10, 1823.

³⁸ *Norfolk Herald* quoted in *Boston Daily Advertiser*, Sept. 25, 1823.

³⁹ *New York Merchantile Advertiser*, Sept. 12, 1823, quoted in *New York American (for the country)*, Sept. 13, 1823.

⁴⁰ Richardson, *Messages and Papers*, II, 208, 209.

⁴¹ *Am. State Papers, For. Rel.*, V, 520. Rush, *Court of London*, 396, 397.

duties on both sides, and particularly the removal of the duties levied by Great Britain as a protection to its own colonial produce. In other words, the American Government wanted its vessels and cargoes admitted into the British colonial ports on the same terms as British vessels with similar cargoes from British territory. If the British Government preferred, it might embody these terms in an act of Parliament upon the passage of which the President's proclamation removing the discriminating duties on British vessels would immediately be issued in accordance with the American act of 1823. The United States Government, however, preferred to have the terms embodied in a commercial convention.⁴²

Huskisson and Stratford Canning were appointed to negotiate for Great Britain,⁴³ and after considerable delay on the part of the latter, negotiations were opened late in January, 1824.⁴⁴ Early the following month a draft of two articles was submitted by the American minister.⁴⁵ The first was general in nature, stipulating that no other or higher duties of tonnage or impost, and no other charges of any kind should be levied upon vessels of the United States admitted into the colonial ports than upon British vessels, "including all vessels of the colonies themselves", or upon goods imported from any other port or place whatever, "including Great Britain and the colonial ports themselves". Thus the United States persisted in pushing its claim to have American produce placed on precisely the same footing as that of Great Britain or her dominions, a claim which the British Government had distinctly informed the United States was considered "wholly inadmissible".⁴⁶ The second article was specific: duties levied by the British acts of Parliament on goods imported from the United States into the British American colonies should be removed; the American tonnage and imposts existing against British vessels coming from colonial ports should likewise be removed.

As might have been predicted with a reasonable degree of certainty by anyone acquainted with the situation, this proposal was rejected by the British plenipotentiaries. They were willing to consent to everything but the clause stipulat-

⁴² *Am. State Papers, For. Rel.*, V, 520. Richardson, *Messages and Papers*, II, 209.

⁴³ Rush, *Court of London*, 446, 447.

⁴⁴ *Ibid.*, 446, 447, 466, 467, 475, 476, 477.

⁴⁵ *Am. State Papers, For. Rel.*, V, 566.

⁴⁶ *Ibid.*, VI, 245.

ing that all the enumerated American articles should be admitted into the colonies exactly on the same terms as similar productions of other British colonies themselves or of the mother country. To this stipulation they immediately and most decidedly objected. Their reasons were briefly summed up as follows:

The objectionable condition amounts to no less than a stipulation that Great Britain shall renounce in favor of the United States, and without a return on their side, the power of protecting the staples of her own subjects by levying import duties on the like productions of a foreign country. In *principle* such a proposition is evidently inadmissible. It could not be entertained with credit by any power on which it was calculated to operate exclusively. It is directly at variance with the practice of all commercial, of all civilized States. It has no precedent in the commercial relations subsisting between the British dominions in Europe and the United States.⁴⁷

Further, they maintained that on specific grounds the stipulation could not be accepted by Great Britain without prejudice to her own subjects any more than it could be accepted by her on general principles without prejudice to her character as an independent commercial power.

Much as the British Government is disposed to cherish and improve the relations of commerce and good neighborhood with the United States, such sacrifices cannot, in fairness, be expected, even for the sake of those objects.⁴⁸

The American proposal having been rejected, Rush next invited the British plenipotentiaries in turn to offer proposals to be referred to the United States Government. This they did, submitting a draft of five articles which might be accepted as the basis of a commercial convention between the two countries.⁴⁹ The chief difference between the British and American proposals was found in the first article of the former which stipulated that no higher duties should be levied on American produce than upon produce of the same kind imported from any other *foreign* country.

From a comparison of the American and British proposals it will be seen:

1. That both parties were willing to abolish all discriminating duties on either side.
2. That the British Government was satisfied, and actually offered,

⁴⁷ *Am. State Papers, For. Rel.*, VI, 243, 244.

⁴⁸ *Ibid.*, VI, 244.

⁴⁹ *Ibid.*, V, 538, 570, 571.

that the intercourse should continue restricted to the direct voyage, as it then was by the respective laws of the parties.

3. The point on which the parties could not then agree, was, that the United States insisted that American produce should be admitted into the British colonial ports upon the same terms as similar produce received from anywhere else; that is, either from a British possession or a foreign country.⁵⁰

In view of this apparent deadlock it was finally decided that negotiations should be suspended for the time being, in order that some of the subjects which had been presented for discussion might be referred to the Government at Washington. The general tone of the protocols indicates that a resumption of negotiations was expected later after the American Government had considered the British proposals, but no definite agreement to this effect seems to have been made.⁵¹ Once again the United States had failed to secure by diplomacy the modification of the British colonial system which it desired.

But various influences and events were contributing to bring about a further modification of the system by Great Britain herself. The act of Parliament of 1822 had been passed, it will be recalled, not from any liberal desire to afford a wider field for the development of American shipping, but from a desire to afford greater convenience and relief to the British colonists in the West Indies. The opening of this intercourse to American vessels had not proved, however, so great a convenience or relief as had been anticipated by the British. From all the British colonies it was reported, for instance, that the American merchants, instead of taking in return for their produce, rum, molasses, and products of the West Indies, had ceased in some instances to afford this relief to the planters, and were demanding for their cargoes, specie, or bills upon England. This had been one of the very evils which the British act of 1822 had been designed to remedy. Its failure to do so gradually brought the desire on the part of the British to see whether other countries, dealing in similar cargoes, would not be satisfied to take in payment a part of the surplus products of the British colonies.⁵²

⁵⁰ Clay to Gallatin, Nov. 11, 1826, *Ibid.*, VI, 261, 262.

⁵¹ *Ibid.*, VI, 243.

⁵² *Hansard's Parliamentary Debates* (2d series), XVII, 646. (This demand for payment in specie may have been for several reasons. Specie was needed to pay the import duties in the British colonial ports; it was needed in many cases to pay an export duty on cargoes taken from the colonial ports to the United States. Further it was convenient to secure specie in the British West Indies and then go in ballast to foreign West India islands there to take a cargo for the United States free of export duty.)

Again, it had assuredly not been the intent of the British act of 1822 to open the intercourse between the United States and the West Indies to American vessels alone. British shipping was expected to gain its proportionate share of the trade. And yet Great Britain soon discovered that, due to the operation of the American act of 1823, "nearly the whole of the supplies from the United States . . . were conveyed in American vessels".⁵³ Their discovery is fully substantiated by American figures for navigation, as the following table discloses:⁵⁴

YEAR ENDING SEPTEMBER 30	Tonnage Entering American Ports from the British West Indies		Tonnage Departing from American Ports for the British West Indies	
	American	British	American	British
1822.....	33,719	715	28,720	101
1823.....	71,346	9,520	68,350	8,654
1824.....	93,933	6,501	91,637	7,567
1825.....	101,604	6,907	93,967	6,742

This apparent⁵⁵ growth of American shipping alarmed British statesmen who had always understood that the primary object of the navigation laws was to maintain for Great Britain a great commercial marine, and that the next great principle of those laws "was to prevent too great a share of the foreign carrying trade being engrossed by any one particular country".⁵⁶

The logical course to pursue, based upon these principles, was, obviously, "to invite such powers as Prussia, Denmark, Sweden, the Hanse Towns, etc. to participate, with the United States in the trade" which had been opened to the latter in the British West Indies.⁵⁷ Would it not be more politic to allow similar advantages to those European states "whose increase of naval power by that privilege would, in case of a war, be

⁵³ *Hansard's Parliamentary Debates*. (2d series), XVII, 646.

⁵⁴ Figures compiled from Table No. 7 in each of the following: *State Papers*, 17 Cong., 2 Sess., IV, No. 62; 18 Cong., 1 Sess., IV, No. 73; 18 Cong., 2 Sess., V, No. 90; 19 Cong., 1 Sess., IX, No. 148.

⁵⁵ This growth was not so real as appeared for there was a corresponding decrease in American tonnage engaged in trade with British North America and the Swedish, Danish, and Dutch West Indies. For the year 1822-23, this decrease was 65,524 tons from the total for 1821-22.

⁵⁶ Huskisson in *Hansard's Parliamentary Debates* (2d series), XVII, 646.

⁵⁷ *Ibid.*

of important service to Britain against a rival possessed of naval strength"?⁵⁸

Which of those powers is aspiring to raise a commercial marine, to preponderate over that of Great Britain? Which of those states is, year by year, augmenting its military marine, by building ships of war of the largest class? Which of those powers possesses a formidable navy, and is looking forward to the time when it expects to wrest from this country its sway upon the ocean?⁵⁹

There was but one answer, and eventually it led to the conclusion that it would be expedient to permit the same latitude of trade to the ships of other countries which was then allowed to those of the United States.⁶⁰

Added impetus was given to this incipient desire of Great Britain to open the West India trade to other nations, by the unjustifiable claim advanced by the American Government to have its goods admitted into the British West Indies on precisely the same terms as British goods. This, as has already been pointed out, was considered in Great Britain as "a pretension unheard of in the commercial relation of independent states".⁶¹ And the British Ministry believed that:

Whatever may have been the arguments used to induce the American Congress to adopt this course, their real reason for making the attempt was . . . an impression on their part, that we had yielded this intercourse to necessity, and, that, as our colonies could not subsist without it, they might prescribe the conditions under which it should be carried on.⁶²

This situation was not to the liking of the British Government. As a contemporary British writer phrased it,

although a ready source of supply is a convenience to a buyer, nothing is more offensive to him, than the arrogance of a seller, excited by a confidence in the absence of competition. When a seller attaches to the liberty of purchase other conditions than payment, it is time for the buyer to look about him in quest of other sources of supply.⁶³

The British Government was urged on in this quest of some other sources of supply for the West Indies by the belief that it was not prudent that these colonies should depend upon the good-will of any one power for articles of first necessity, nor

⁵⁸ Quoted from speech of Earl of Liverpool in House of Lords, in *New York American (for the country)*, Aug. 12, 1825.

⁵⁹ Huskisson in *Hansard's Parliamentary Debates* (2d series), XVII, 646, 647.

⁶⁰ *Hansard's Parliamentary Debates* (2d series), XII, 1107.

⁶¹ *Ibid.*, XII, 1106.

⁶² *Ibid.*

⁶³ Stapleton, *Political Life of Canning*, III, 71.

that they should be exposed to the risk of all the inconveniences which a sudden interruption of that supply might bring upon them.⁶⁴ Canning and Huskisson believed, in fact, that the British colonies were not thus dependent upon the United States for their prosperity; and they considered that question ought to be decided by an early experiment, in order that the struggle might not be forced upon them later at a more unfavorable time.⁶⁵ Events which transpired on the American continent between 1822 and 1825 afforded Great Britain a favorable opportunity for this experiment. During these years the independence of the Spanish American republics was recognized by both the United States and Great Britain, and this change in the condition of the American continent provided a chance to discover whether the British West Indies could not be supplied from these new states, thus relieving them of dependence upon the United States. That this came to be the view of the British Ministry is borne out by Canning's statement that Great Britain, by her act of 1822, did not preclude herself from extending like privileges to other nations "whenever the course of events should create a favorable occasion for doing so", and that "events which intervened between 1822 and 1825 created such an occasion".⁶⁶ The British Government, therefore, at length came to favor the passage of a measure which should give a wider opening to the trade of other countries with the British colonies, and should thus show the United States that, if they did not choose to trade with those colonies upon equal terms with other countries, the colonies could do without their trade altogether.⁶⁷

Finally, Canning was determined that the United States should not secure the political and commercial leadership of the New World, if he could prevent it. Monroe's message to Congress in December, 1823, had been far from satisfactory to Canning. Not only was he displeased with the independent action of the United States; he strongly disapproved of that part of Monroe's Doctrine which announced that the continent of America would in the future be closed to colonization by European powers.⁶⁸ He felt "that Monroe's message was but

⁶⁴ *Hansard's Parliamentary Debates* (2d series), XVII, 647.

⁶⁵ Stapleton, *Political Life of Canning*, III, 68, 69.

⁶⁶ *Am. State Papers, For. Rel.*, VI, 251.

⁶⁷ *Hansard's Parliamentary Debates* (2d series), XII, 1107.

⁶⁸ Temperley, "The Later American Policy of George Canning" (*Am. Hist. Rev.*, XI, 779).

the prelude to an active anti-English, or at least Pan-American, policy" on the part of the United States, and "at once entered into a contest with Adams for the leadership of Spanish America".⁶⁹ The recognition of the leading Spanish American states by Great Britain was "decided upon partly in order to teach the new states to lean upon England, not upon the United States".⁷⁰ And then, early in 1825, Canning had been still further disturbed by the invitation extended to the United States by the Spanish American powers to meet them in the Congress to be held at Panama.⁷¹ Considering how the British interests, both commercial and political, were involved in all the changes which had occurred in the New World, especially in view of the political and maritime power of the United States in that hemisphere, the British Government decided that it had better look "to the means by which, in a race of fair and honorable rivalry and competition" between their commerce and navigation and the commerce and navigation of the United States, "these great interests of the British Empire" were most likely to be maintained.⁷²

Moved by these considerations, Parliament in the early summer of 1825 passed three new acts for the regulation of the British West India and North American colonial trade, these acts to take effect on January 5, 1826.⁷³ The first, which was approved on June 27, 1825, contained twenty-one articles, and was entitled "AN ACT for further regulating the trade of his Majesty's possessions in America and the West Indies, and for the warehousing of goods therein". The chief provisions of this act were as follows:⁷⁴

1. It opened the British free ports in America and the West Indies, except Newfoundland, not to the ships of foreign countries in America and the West Indies only, but to those of any foreign place in Europe, or in Asia within the Mediterranean Sea, or in Africa.

2. In place of the short enumerated list of articles previously allowed to be imported into these free ports, it opened them to the importation of *all* goods, with a few exceptions,

⁶⁹ Fish, *American Diplomacy*, 214.

⁷⁰ Temperley, "The Later American Policy of George Canning" (*Am. Hist. Rev.*, XI, 794).

⁷¹ Fish, *American Diplomacy*, 214.

⁷² *Hansard's Parliamentary Debates* (2d series), XII, 1104, 1105.

⁷³ Listed in *Annual Register*, 1825, LXVII, Appendix, 320. Published in full in *Am. State Papers, For. Rel.*, VI, 301-323.

⁷⁴ *Am. State Papers, For. Rel.*, VI, 301-306.

among which were gun-powder, arms, ammunition, or utensils of war, dried or salted fish, salted beef, pork, or bacon, whale oil, blubber, or fins.

3. It subjected practically all goods imported from *foreign* ports to a specific duty, or to a general duty of 15 per cent, regardless of whence imported, but provided, in effect, that any goods imported into these British colonies thru the United Kingdom should have one-tenth the duties levied in the free ports remitted.

4. It permitted *any* goods to be exported from the British free ports, except Newfoundland, to any foreign country in Europe, or Africa, or in Asia within the Mediterranean Sea, in any ship belonging to such country, but reserved the right to the King in Council to prohibit the trade with any country in Europe having possessions in America or the West Indies, if it should appear that similar privileges were not granted to British ships in the possessions of such country in America or the West Indies.

5. It established five free warehousing ports in America, viz., Kingston in Jamaica, Halifax in Nova Scotia, Quebec in Canada, St. Johns in New Brunswick, Bridgetown in Barbados; and permitted any goods which might be legally brought into these free ports to be stored in warehouses for two years, during or after which time they might be re-exported without having paid any duties.

This act was considerably less favorable to the interests of the United States than had been the former British act of 1822. The new act invited the countries of Europe, Africa, and Western Asia to compete in the markets of the British West Indies with the United States. Altho it permitted the importation of a greater number of articles into the British colonial free ports, a number of important American products, viz., wheat, barley, oats, Indian corn meal, cotton, wool, hides, skins, potatoes, hay, tobacco, tallow, pitch, tar, and turpentine, which had formerly been admitted free, were now subject to an import duty. It encouraged the indirect importation of American goods thru the United Kingdom by permitting such goods to enter the British colonial free ports at one-tenth less duty than similar goods imported directly from the United States. Finally it aimed by the free warehousing system to take from the United States part of the trade which the latter had already secured with the new Spanish American states.

The situation under this act was bad enough for the United States, but it was made still worse by the introduction of the element of doubt, confusion, and ambiguity in the form of another act, approved July 5, 1825, entitled "AN ACT to regulate the trade of the British possessions abroad".⁷⁵ This act contained eighty-six detailed articles and appeared, among other things, to re-enact all the provisions of the earlier act of June 27. There were some minor changes, such as the addition of one new free port to the list of free ports, and the admission of hay and cotton free of duty into all the free ports, and beef, fresh or salted, and pork into Newfoundland. Confusion and doubt were introduced into the situation, however, by the fourth article, which read:

IV. And whereas, by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions, to be carried to any foreign country whatever; and whereas it is expedient that such permission should be subject to certain conditions: Be it therefore enacted, that the privileges thereby granted to foreign ships shall be limited to the ships of those countries, which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favored nation, unless his Majesty, by his order in council, shall, in any case, deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not, in all respects, be fulfilled by such foreign country.⁷⁶

If the preamble of this article referred to the third of these new acts, entitled "AN ACT for the encouragement of British shipping and navigation", one looked in vain in it for any such provision. The chief purpose of this third act was to restrict to British ships the trade between the United Kingdom and its possessions.⁷⁷ If, on the other hand, this fourth article referred to the act of June 27, again one looked in vain for any such provision. It could not be found. The confusion which existed as a result of these new acts is well illustrated by the rulings of British officials themselves. Canning, basing his opinion on the preamble to the fourth article of the act of July 5, construed the act to open to foreign ves-

⁷⁵ *Am. State Papers, For. Rel.*, VI, 306-321.

⁷⁶ *Ibid.*, VI, 307.

⁷⁷ *Ibid.*, VI, 321-323.

sels, whether American or European, the trade between the British colonies and European countries, other than the dominions of Great Britain. But Lord Stowell, sitting in the High Court of Admiralty, decided directly the reverse, declaring the trade to be confined to the vessels belonging to the country for which they should clear out, and based his opinion on the express provisions of the act of June 27.⁷⁸ Judging from the actual operation of the British acts later, Canning's stand was the correct one, but as late as October, 1826, the British minister at Washington admitted his inability to answer satisfactorily regarding the meaning of this provision.⁷⁹ Other uncertainties which arose will be pointed out later.

One provision which did seem to be clear, however, was that Great Britain intended to extend the privileges of trading with her colonies only to those nations which granted to her some privilege in return, and in doing this, a clear distinction was made between those nations which possessed colonies and those which did not. The former, to avail themselves of the privileges offered by Great Britain in her colonial trade, had only to grant Great Britain like privileges in their own colonies. In order to gain the same privileges the latter, on the other hand, were obliged to place the commerce and navigation of Great Britain and her possessions abroad "upon the footing of the most favored nation" in their ports. With the colonial powers the act proposed an exchange of colonial trade for colonial trade, exclusive of the trade of the parent country. With powers not having colonies it proposed to give the British colonial trade only in exchange for a trade between those powers and both the United Kingdom and its possessions abroad.⁸⁰

According to Clay, this discrimination operated exclusively upon the United States. He maintained:

All the maritime states have colonies, and therefore will be let into the trade with the British colonies upon the less onerous conditions. The United States are the only Power not having colonies which trades, or is ever likely to trade, in any extent with British colonies. And if they alone had been named in the second class of Powers described in the act, the application of its more burdensome conditions would not, in that case, have been more exclusively confined to them.⁸¹

⁷⁸ *Am. Annual Register*, 1826-27, p. 57.

⁷⁹ *Am. State Papers, For. Rel.*, VI, 259.

⁸⁰ *Ibid.*, VI, 263.

⁸¹ *Ibid.*, VI, 264.

Because of particular arrangements previously made by the United States with various countries, some by treaty and others by separate but reciprocal acts of the governments, various conditions had been brought about which would have a bearing upon the situation if British vessels were to be placed upon the footing of the *most favored nation* in American ports. In the first place, British vessels would be allowed to import into the United States the produce of *any* foreign country whatever upon the payment of the alien duties, altho American vessels would be prohibited to import into British ports like produce upon any terms whatever. In the second place, the United States would have to abolish or suspend its discriminating duties, placing Great Britain upon the footing of the most favored nation in whose behalf they had been abolished or suspended.⁸² The privilege of trading with the British free ports in America and the West Indies appeared to be in its advantages hardly reciprocal of the extensive concessions which the United States would be called upon to make.

This was the stand taken by the very few American newspapers which commented at all upon the British acts. They were inclined to look askance at the new "liberality" of the British Government in its colonial trade. The *National Journal*, for instance, believed that the act had "been passed exclusively with a view to benefit the navigation and trade of Great Britain", and felt that should the United States acquiesce in this project, it would "manifestly operate to the benefit of the British North American possessions, to the detriment of the substantial part of the trade of the Eastern, and a portion of that of the Middle, Western, and Southern States of the Union". It ascribed the act to a political motive—

to raise up a power more directly in the vicinity of the new American nations, that may enable her to exercise a more immediate and decided influence with them, in counteraction of that of the United States.⁸³

A New York paper, on the other hand, ascribed the change to a commercial motive, the purpose being

to invite the whole world into competition with us in the supply of their West India Islands. Into competition with us, we repeat, for in that hope, and that alone, of raising successful rivals to us, has this great innovation been made on the old colonial system.⁸⁴

⁸² *Ibid.*, VI, 265.

⁸³ *National Journal*, Sept. 13, 1825.

⁸⁴ Quoted in *St. Christopher Gazette; and Charibbean Courier*, Feb. 17, 1826.

One or two were milder in their views. The *New York Albion*, thru the eyes of its English editor, saw in the act

the emancipation of the colonial commerce from a bondage of two centuries, the elevation of the colonists, in a commercial point of view to their just rank of equality with their fellow subjects, and the opening to them a free trade with the whole world.⁸⁵

Its contemporary, the *New York American*, tho it doubted the advantages of the act for the United States, considered the rule laid down in it "as equally sound in theory and consonant" to American policy, and presumed it would be acquiesced in by the United States Government.⁸⁶ These papers were taken vigorously to task, however, by a third New York paper which expressed itself as follows:

We are utterly disgusted at the boisterous claims of British agents and not less so at the unnatural countenance they receive from some presses in this city, in circulating the grossest impositions under the canting appellation of free trade. Can we, we ask the English agent, we ask the American patron of English agents, can we—we ask these city printers whose cauldrons are always ready to receive and cork up the British materials or ingredients—having, *under the free trade act*, visited the English colonies, purchased and paid for what we wanted—can we, as Jonathan says, go where "we have a mind to"? Nothing of the sort, yet this is what is called *unrestricted* commerce . . . A new state of affairs exists in the Southern nations of America, and to *that* state, England accommodated her old system of commercial law, and this is called CHANGE by the interested sycophants of the American press, and the British nincompoops who employ them, and pay them—alack a day.⁸⁷

It even resorted to ridicule and pun in its attack on the British act, as is seen in the following editorial of a later date:

Amongst the articles which are *prohibited* under the *unrestricted* colonial system lately devised by England we observe Beef, Pork, Bacon, Gunpowder, Arms, Fish, Oil, Fins or Skins, in fact *everything* that is the produce of creatures who have their domicile in the ocean! John will continue master of the ocean, and to avoid all whining about the new system, *blubber* of every sort is specifically interdicted . . .⁸⁸

The great mass of American newspapers, however, whether because of doubt as to the exact meaning or probable operation of the British acts, or because of lack of interest in the question as a whole, expressed no opinion of the new regulations.

In spite of the evident confusion and ambiguity involved

⁸⁵ Quoted in *Daily National Intelligencer*, Sept. 7, 1825.

⁸⁶ *New York American (for the country)*, Aug. 12, 1825.

⁸⁷ *The National Advocate*, Aug. 24, 1825.

⁸⁸ *Ibid.*, Sept. 3, 1825.

in these new acts—and they were never officially communicated to the American Government⁸⁹—in spite of their more or less obvious aims and probable effects upon the United States, it certainly behooved the latter to take some action regarding them if it wished to safeguard its trade with the British colonies, as the act specifically stated that the privileges in the colonies were to be limited to those powers only which extended certain privileges to Great Britain in return. Two courses were open to the United States Government to meet this situation: either immediately to resume the negotiations suspended in 1824 in an endeavor to arrange a satisfactory settlement between the two countries by convention before January 5, 1826; or to prepare to legislate upon the subject soon after Congress should convene.

The former course was the one favored by the American Administration. Both Adams and Clay were reported to be decidedly of opinion, that, after ten years unavailing efforts by legislation, . . . it would be wiser and better to leave the attempt to be made to adjust it upon fair and equal principles, by convention, than to surrender at once the whole game; give to the British a *carte blanche*; take away all the offsets we have to offer, and admit them in our ports precisely on the same terms as our own vessels, or those of the most favored nation are admitted, while they placed the admission of our produce into their ports, on terms so disadvantageous as to give a full freight, and beyond it, to the like articles, when imported into the West Indies from elsewhere; that is, from Canada, Nova Scotia and New Brunswick, and have excluded altogether some of the principal staples of some of the states . . .⁹⁰

More than a year had already elapsed since the British Government had submitted its proposals regarding the colonial trade for reference to the American Government, and as yet no action had been taken by the latter. Rush had been recalled and his place had been taken by Rufus King, but no instructions had been given to the new minister in regard to the British proposals. The suspicion is aroused that perhaps the American Government was content to let the matter drag along as it was, especially since, under the mutual discriminating duties, American vessels monopolized most of the trade between the United States and the British West Indies. But even after the new British regulations had been passed with the threat of excluding the ships of those countries which

⁸⁹ Richardson, *Messages and Papers*, II, 355.

⁹⁰ On authority of Senator Lloyd, in *Register of Debates*, II, Pt. 1, p. 588.

should not meet the new regulations in certain ways, instead of resuming negotiations with the British Government at once, the American Administration still delayed. It took the stand that it would be better, owing to the apparent doubtfulness and ambiguity of the meaning of the British laws, first to test their interpretation and practical operation by some experience.⁹¹ The effect of these laws upon American interests had "not yet been fully developed" even at the time of Adams' message to Congress in December, 1825.⁹²

Moreover, the American Administration seemed to be of the opinion that the British acts did not apply to the United States, that Great Britain "did not intend to disturb or affect the trade between the British American Colonies and the United States, but meant to leave that trade on the footing on which it was placed" by earlier acts of Parliament.⁹³ In fact it was presumed that Great Britain, under the expectation of a favorable issue of the negotiations that were to be forthwith resumed, would suspend the operation of the act in regard to the United States until the result of those negotiations was ascertained. In what manner that suspension would be effected was not known.⁹⁴

Clay believed that the power delegated to the King in Council by the British act would be exercised "to except the trade and intercourse with the United States from the operation of the Act".⁹⁵

Events in January, 1826, appeared to justify this belief in a period of grace for the United States. In December, 1825, the collector of customs of Halifax had announced that American vessels from American ports would not be admitted entry in Halifax after January 5, 1826, *unless* an Order in Council should be previously issued.⁹⁶ Clay maintained that it was not the intention of the British Government to have its new act operate in this way,⁹⁷ and even the British minister at Washington was of the opinion that it was not the intention of Parliament to interrupt the trade between the United States and the British American possessions, altho he felt he was not authorized to meddle with the question.⁹⁸ Meanwhile dis-

⁹¹ *Am. State Papers, For. Rel.*, VI, 247.

⁹² Richardson, *Messages and Papers*, II, 300.

⁹³ Letter from Clay to Cambreleng, Dec. 27, 1825, in *Statesman*, Jan. 10, 1826.

⁹⁴ *Am. State Papers, For. Rel.*, VI, 984.

⁹⁵ Letter from Clay to Cambreleng, Dec. 27, 1825, in *Statesman*, Jan. 10, 1826.

⁹⁶ *Columbian Centinel*, Dec. 28, 1825.

⁹⁷ *Statesman*, Jan. 10, 1826.

⁹⁸ *Ibid.*

patches for the British minister were received in New York "and immediately forwarded to Washington by express".⁹⁹ These in turn were "forwarded to Halifax via St. Johns, New Brunswick, with the greatest celerity".¹⁰⁰ It was conjectured that these dispatches related to the closing of the port of Halifax to American vessels, and that they would operate to prevent this.¹⁰¹ However this may be, the Council of Nova Scotia, convened by the lieutenant-governor on January 23, advised that American vessels be permitted to enter subject to the duties as previously imposed.¹⁰² A Halifax paper of January 28 contained an official notice to this effect.¹⁰³ Finally the Surveyor-General of British Customs, sent out from London to regulate all the British custom houses in North America, settled the question by informing the collector of Halifax that an improper construction had been given to the late colonial trade act. He recommended the collector not to enforce the act according to this construction until he should receive further advices from England.¹⁰⁴ The United States Government appeared justified in its belief that an exception was to be made in its case until the question should be settled between the two governments, but still it delayed taking any vigorous steps to adjust the situation thru diplomacy, and opposed any action to the same end thru legislation.

The British colonial trade question was forced upon the attention of Congress, however, by a memorial of the merchants, ship-owners, and manufacturers of Baltimore. This memorial submitted to Congress

the propriety of abolishing the discriminating duties of 94 cents per ton on British colonial vessels, and of ten per cent additional, on the duties of their cargoes, and of admitting British vessels from whatever ports, on the same terms as the vessels of the most favored nation.¹⁰⁵

In other words the memorialists wished the United States by legislative act to meet the conditions laid down by the British colonial trade act.

The Senate Committee on Commerce, to which the memorial was referred, made a long report on March 31, 1826. They

⁹⁹ *Phoenix Gazette*, Jan. 16, 1826.

¹⁰⁰ Quoted from *New York Merchantile Advertiser* in *Richmond Enquirer*, Jan. 12, 1826.

¹⁰¹ *Ibid.*

¹⁰² *Daily National Intelligencer*, Feb. 18, 1826.

¹⁰³ *Newport Mercury*, Feb. 18, 1826.

¹⁰⁴ *Phoenix Gazette*, Feb. 6, 1826.

¹⁰⁵ *Register of Debates*, II, Pt. 1, Appendix, 142, 143.

alleged that a just reciprocity did not exist in the British colonial trade under the conditions of the colonial trade act; maintained that the effect of adopting the course urged by the memorial "would be summarily to yield to Great Britain all she could ask, without any equivalent accommodation being granted on her part"; and urged a

strong ground of preference for an arrangement being effected, if practicable, by a convention between the two governments, on a just and liberal basis, which, when agreed to, would be permanent and unalterable for the term of its duration, rather than to rely on detached, independent substantive acts of legislation, which however well intended, are sometimes ambiguous, and liable to misconstruction by those who are called to administer them; and at all times, subject to revocation by the parties enacting them.¹⁰⁶

The committee concluded by stating that they were "unanimously" of opinion that it was not at that time expedient to legislate on the subject, since they had reason to believe that an adjustment of the commercial intercourse formed one of the special and prominent objects committed to the American minister and that a corresponding desire on the part of the British Government existed to settle the question in this way.¹⁰⁷

This report was considered in the Senate on April 18, and encountered the opposition of Senators Smith of Maryland and Tazewell of Virginia.¹⁰⁸ Both favored legislation rather than negotiation as a means to settle the West India trade. The former maintained "that the United States had acted against its own interests, in not having declared the Colonial trade in British ships free of discriminating duties". He believed that all were agreed that the discriminating duties ought to be repealed, that the only difference was as to the *manner*. The Committee on Commerce thought it better to do so by negotiation. Others preferred an act of Congress which should "meet at once, and without delay, the very liberal offers of Great Britain". Nevertheless, upon information from the chairman of the committee that in the opinion of the Executive it "was better to leave the adjustment of the intercourse to a Convention, than at once to abolish the duties without condition", the Committee on Commerce was discharged from further consideration of the memorial.¹⁰⁹

¹⁰⁶ *Register of Debates*, II, Pt. 1, Appendix, 143, 144.

¹⁰⁷ *Ibid.*, 144.

¹⁰⁸ *Register of Debates*, II, Pt. 1, pp. 577, 586.

¹⁰⁹ *Ibid.*, 588, 589.

Upon motion of Senator Tazewell, however, the memorial was again referred, this time to the Committee of Finance, the chairman of which was Senator Smith of Maryland.¹¹⁰ This committee reported a bill on the next day providing that no other or higher duties of import and tonnage, and no other or higher duty or charge of any kind should be levied upon any goods, wares, or merchandise imported from free ports in British vessels than upon vessels of the United States and like goods; with the condition that if discriminating duties should be levied by Great Britain on American vessels, the President might issue a proclamation declaring the fact, whereupon this act would be suspended.¹¹¹ On May 13, after a few remarks by various members, this bill was laid upon the table, and no further action was taken to meet the situation before the adjournment of Congress nine days later.¹¹²

The question had likewise been brought before the House by a resolution introduced by Cambreleng of New York, instructing the Committee on Commerce to enquire into the expediency of amending the act of March 1, 1823, to authorize the President to remove the discriminating duties then imposed on British vessels and cargoes from British American possessions whenever he should be officially informed that American vessels and their cargoes were, in like manner, admitted into the British American colonial free ports.¹¹³ The resolution was adopted, but no report was ever made by the committee. As a result, Congress finally adjourned without any action having been taken in either house to bring the United States within the conditions laid down by the British colonial trade act. Senator Smith ascribed the failure to pass the Senate bill to lack of time, claiming that he knew "that a majority of the Senate was in its favor" and that it would have passed "but for the want of time".¹¹⁴ Altho the element of time may have had something to do with the failure to take any legislative action, probably, as Clay pointed out,

it is more likely that the chief cause which prevented this passage was the belief generally entertained that the colonial subject was in a course of negotiation and would be satisfactorily arranged by treaty.¹¹⁵

¹¹⁰ *Ibid.*, 589.

¹¹¹ *Ibid.*, 589, 590.

¹¹² *Ibid.*, 709, 789.

¹¹³ *Ibid.*, 1119.

¹¹⁴ *Niles' Register*, XXXII, 70.

¹¹⁵ *Am. State Papers, For. Rel.*, VI, 973.

As a matter of fact, however, negotiations had not yet been resumed by the American Government. Instructions had never been forwarded to Rufus King, the American minister at London, in regard to the colonial trade question, altho Clay had been engaged in preparing such instructions as early as May, 1825.¹¹⁶ Even as late as March, 1826, Clay informed the British minister at Washington, in answer to his inquiry, that he should not be able to furnish King with his instructions before the end of the month of May, 1826.¹¹⁷ Before this took place, however, a letter was received from King in which he stated his desire to return to America because of his ill health. Permission was granted and Gallatin was appointed to succeed him.¹¹⁸

By this time the American Government had at length determined to "sacrifice" something of that entire reciprocity which in all commercial arrangements with foreign powers they believed themselves entitled to demand, and to "acquiesce" in some inequalities disadvantageous to themselves, rather than to forego the benefit of a final and permanent adjustment of the question to the satisfaction of Great Britain.¹¹⁹ In fact, Clay had arrived at the conclusion a year earlier that there was "more than plausibility in the British claims", that the United States "ought to concede something on this point".¹²⁰

In this spirit, then, Gallatin was instructed to agree in substance to the modification of Rush's proposal, which had been required by the British plenipotentiaries in 1824.¹²¹ Specifically, he was authorized to agree:

1. That there should be a reciprocal and entire abolition of all alien or discriminating duties upon vessels or cargoes so as to place the vessels of the United States and those of Great Britain, whether colonial or British, concerned in the trade, upon a footing of perfect equality and reciprocity.

2. That the United States should consent to waive the demand which it had previously made for the admission of its productions into British colonies upon the same basis as those from British colonies themselves.

¹¹⁶ *Memoirs of John Quincy Adams*, VI, 540.

¹¹⁷ *Am. State Papers, For. Rel.*, VI, 253.

¹¹⁸ *Ibid.*, VI, 262.

¹¹⁹ Richardson, *Messages and Papers*, II, 354.

¹²⁰ *Memoirs of John Quincy Adams*, VI, 540.

¹²¹ *Am. State Papers, For. Rel.*, VI, 249.

3. That the vessels of the United States should be allowed to trade between British colonies and any foreign country with which British vessels were allowed to trade.¹²²

Early in July, 1826, Gallatin sailed for Liverpool with these instructions which offered every indication that he would at length succeed in arranging this long debated question of the colonial trade, for the terms which he was authorized to accept were those which had been earlier advanced by the British proposals of 1824, and later embodied in the British act of July 5, 1825. Before his arrival at the Court of London, however, the door of negotiation was slammed in his face by the British Government, which issued an order in council on July 27, interdicting trade in American vessels with *all* British colonies with the exception of British North America, the order to take effect regarding the various colonies on successive dates from December 1, 1826, to May 1, 1827.¹²³

In reviewing the events described in this chapter, one cannot but be impressed with the unreasonable attitude adopted by the United States Government, or at least by the Administration under the direction of John Quincy Adams. This is emphasized upon at least three occasions: (1) In 1822, the British Government had been driven, by American legislation, to open the trade with the British West Indies and North American colonies to American shipping on better terms than it had ever been legally open to it before. The United States, however, refused to concede reciprocal conditions to British vessels in American ports, giving as its reason the unheard-of claim that its ships should be admitted into British colonies on the same terms as British ships from British possessions. (2) Again in 1824, when Great Britain signified her willingness to settle the colonial trade question definitely by convention, agreeing to every claim advanced by the American Government except that of admitting American vessels into colonial ports on identical terms with those of British vessels from British territories, the United States Government refused to surrender this claim and thus caused the negotiation to fail. (3) Finally, in 1825, when the British Government passed its new colonial regulations, ambiguous though they were and discriminative against the United States, the American Government, having already delayed negotiating for

¹²² *Ibid.*, VI, 248.

¹²³ *Ibid.*, VI, 333-335.

a year, opposed legislative action to meet the British regulations, and postponed negotiations for still another year, only in the end to adopt the terms offered by Great Britain in 1824, and recognized as plausible by Clay as early as June, 1825.

The American Government apparently believed that, since Great Britain had been forced to break down her colonial system in 1822 because of the great dependence of the British West Indies upon the United States for supplies, and since that dependence still existed, it might be used as a lever to gain further advantages in the colonial trade for American shipping. Consequently it had attempted to force a claim which, altho it would undoubtedly have been a great advantage to the shipping interests of the United States, was unjustifiable then and would be equally so today. Failing to grasp the favorable terms which it might have obtained, persisting in the effort to gain greater privileges for its shipping, the American Government finally overreached itself, and lost nearly all the privileges which its shipping already possessed in the British colonial trade.

CHAPTER V. GREAT BRITAIN REJECTS FURTHER NEGOTIATIONS

THE British order in council of July 27, 1826, was much more sweeping in character than the colonial regulations which had been in effect prior to the act of Parliament of 1822.¹ It excluded American vessels not only from the British West Indies but from British colonies thruout the world with two exceptions. Trade with the British East India Company's ports, being regulated by treaty, was unaffected; and trade with the British provinces in North America was still left open.² The order likewise declared that the discriminating tonnage and import duties should continue to be levied upon American vessels and cargoes until the interdict actually went into effect. This provision was to countervail the duties levied on British vessels from British colonies by the American act of March 1, 1823.³

In strict compliance with the British act of July 5, 1825, according to Canning, this order should have been promulgated in January, 1826. It was postponed because the United States Congress was in session at that time and the British Government thought that it might, before it adjourned, place Great Britain on the footing of the most favored nation and, in consequence, the United States within the provisions of the said act of Parliament. When Congress adjourned without taking any such action, however, the British Government had no alternative but to carry the act into effect.⁴ The first of January, 1827, had been at first thought of as the time for the interdict to go into operation, but the first of December was finally chosen, Canning said, "for fear" that the order "should have the appearance of an intention to compel Congress to comply within one month, with the requisites of the act of Parliament".⁵

The direct and final cause, then, for the order in council was, according to British diplomats, the failure or refusal of the United States to take any action to meet the conditions laid down by the act of Parliament of July 5, 1825.⁶ But they

¹ See above, p. 88.

² *Am. State Papers, For. Rel.*, VI, 333, 334.

³ *Ibid.*, VI, 334, 335.

⁴ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, p. 3.

⁵ *Ibid.*, 4.

⁶ *Am. State Papers, For. Rel.*, VI, 253, 257.

pointed out that there had also been other sins of commission and omission on the part of the American Government. It had failed to reciprocate the privileges extended to it by the British act of 1822. It had demanded that its produce should be placed on an equal footing in the British West Indies with the like produce of Great Britain herself and her dependencies. It had delayed for nearly two years to renew the negotiations suspended in 1824. It had failed to revoke the restriction to a direct trade between the United States and the British West Indies, after that of Great Britain had ceased in 1825.⁷ Thus the attempt was made to create the impression that the British Government had resorted to the order in council with reluctance, after having been "disappointed in their long-cherished hope" that the United States would meet with a corresponding disposition "the liberal disposition manifested by England towards the United States".⁸

That the reluctance was not extremely deep, however, and that there was a certain degree of satisfaction on the part of the British Ministry because they had been provided with a pretext for this order, cropped out in one of Huskisson's speeches in Parliament. After having explained that the United States had been excluded from the British colonial trade because it "did not think proper to comply" with the conditions laid down by Great Britain he concluded, "I cannot say that, with a view to the interests of our Navigations, I regret the course which the policy of the American Government has forced us to adopt."⁹ Altho it must be admitted that the United States had afforded Great Britain sufficient pretext for issuing its order in council, yet it seems more or less apparent that the latter seized with avidity upon the pretext as a means of excluding American shipping from the British colonies.

Conditions in Great Britain just prior to the British order in council throw some light on the situation. The years from 1822 to 1825, during which the colonial trade reforms had been adopted, had been prosperous.

Nearly all property had risen greatly in pecuniary value, and every branch of internal industry was thriving. Agricultural distress had disappeared; the persons employed in the cotton and woolen manu-

⁷ *Am. State Papers, For. Rel.*, VI, 251-253.

⁸ *Ibid.*, VI, 257. *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, p. 3.

⁹ *Hansard's Parliamentary Debates* (2d series), XVII, 647.

factures were in full employment; the various departments of the iron trade were flourishing; on all sides new buildings were in the progress of erection; and money was so abundant, that men of enterprise, though without capital, found no difficulty in commanding funds for any plausible undertaking.¹⁰

The year preceding the enactment of the new navigation laws had shown a considerable increase in Great Britain's foreign trade, and in the number of new ships built and registered.¹¹ Merchants and ship-owners could afford to be tolerant of the changes made.

Due to a number of causes, however, a financial crisis occurred toward the close of the year 1825, "and a panick, such as never had been witnessed since the fatal South Sea Bubble, shook all commercial credit to its foundations".¹² The financial embarrassments reached their height early in December; and for some days the agitation in the City exceeded everything of the kind that had been witnessed for many years. Lombard-street was nearly filled with persons hastening to the different banks to draw money, or waiting in anxious fear of hearing of new failures.¹³

The *Annual Register* for 1825 published a list of seventy-three "of the principal banking houses which failed or suspended their payments" towards the close of that year.¹⁴ "Thus wonderfully was the contrast between the commencement and the close of the . . . year."¹⁵ As it had happened that the change in the British commercial system had not long preceded the panic, "there were not wanting individuals to connect the two together, and to describe the one as the cause, and the other as the effect".¹⁶ The changes which had been made in the British commercial system had originally met with opposition from the ship-owners; but after the crisis of 1825, they met also "with the animadversion of the Members of Parliament".¹⁷ The foreign trade of Great Britain showed a tremendous decline during 1826, the total exports being only a little more than half those for 1824.¹⁸ On the other hand, the prosperous years preceding had led to an increased build-

¹⁰ *Annual Register*, LXVII, 2.

¹¹ See tables of foreign trade and navigation in *Annual Register*, LXVII, Appendix, 310, 313; LXVIII, Appendix, 302, 305.

¹² Stapleton, *Political Life of Canning*, III, 2.

¹³ *Annual Register*, LXVII, 123.

¹⁴ *Ibid.*, LXVII, 123, 124, note.

¹⁵ *Ibid.*, LXVII, 124.

¹⁶ Stapleton, *Political Life of Canning*, III, 22, 23.

¹⁷ *Ibid.*

¹⁸ See table of foreign trade in *Annual Register*, LXIX, Appendix, 278.

ing of ships, with the result that in 1826, with greatly decreased business to be cared for, there was an increased total tonnage available to care for it.¹⁹ The distressing situation in which the ship-owners found themselves was attributed to Huskisson's liberal commercial system.²⁰ Numerous petitions poured into Parliament, clamoring against the innovations which had been introduced.²¹

In order to satisfy these clamors, to act as a sop to the British shipping interests, it seems quite possible that Huskisson, with ample pretexts at hand, suddenly decided to exclude American shipping from entering the British colonies, while leaving them open to the ships of other less powerful competitors. This is the more easily believable because it accords with Huskisson's expressed idea of the chief purpose of the British navigation laws, namely, to maintain a great commercial marine for Great Britain and at the same time to prevent too great a share of the foreign carrying-trade from falling to any one particular country.²² In other words, it is quite probable that, forced to meet a formidable opposition to his general ideas of reform, he was disposed to regain some popularity with the shipping interests by his action toward the United States.²³

That the British order in council was popular in Great Britain was quite apparent. The *London Courier*, speaking of it, said:

The government of this country would have been fully justified in excluding American ships immediately, and without any more specific notice than that which the law itself had given, especially as that law, which passed in July, 1825, was not to take effect until January, 1826. From that period, our West India ports ought, in strictness, to have been closed against American vessels; . . .

The interruption of this trade with the United States . . . is, we conceive, a fortunate event for British shipping, which cannot but receive encouragement from the interruption of the trade now carried on in American bottoms, and with cargoes from the United States.²⁴

Blame for the order in council was thrown upon the United States by the *London Traveller* which claimed that the British order only met "a jealous and illiberal policy on the part

¹⁹ See table of navigation in *Annual Register*, LXIX, Appendix, 281.

²⁰ Stapleton, *Political Life of Canning*, III, 22, 23. *Annual Register*, LXVIII, 64.

²¹ *Ibid.*

²² *Hansard's Parliamentary Debates* (2d series), XVII, 646.

²³ Gallatin to Clay, April 28, 1827, *Diary of James Gallatin*, 270.

²⁴ Quoted in *Niles' Register*, XXXI, 79.

of America".²⁵ The *London Globe*, altho disclaiming "any hostile or jealous feelings towards America", failed to see why the East India Company's possessions should not also be closed against American ships as soon as the existing treaties permitted.²⁶ The *London Morning Herald* of a later date, looking back over Canning's administration, believed:

The shutting out of the United States and then laying the foundation of a reciprocal trade between British North America and our West India colonies, was almost the only act of Mr. Canning's policy deserving of praise. It was indeed, a masterpiece of statesmanship . . . We do hope and trust that our government will not suffer themselves to be talked into a repeal of this most salutary measure;—a measure calculated to uphold that which must ever be of primary importance to this country—ships, colonies and commerce.²⁷

With the publication of the British order in council in the United States late in September, 1826, the British West India trade question once more became a live topic of discussion. For four years, or since the British Government had opened the West India colonial ports to American shipping in 1822, very little real interest had been displayed in the question. That the ports were open and that American shipping had gained practically all of the trade was known, but the legislative and diplomatic action of the two governments was not so well known, or at least not so well understood. Even the British acts of 1825, with their implied threat to exclude American shipping, had failed to arouse public interest in America. It was believed that the whole question would be solved in due time thru the channels of diplomacy. The President in his message had intimated so; the committee reports in Congress had held out the same hope. What the public in general did not realize was that no diplomatic action had been taken by the American Government regarding the question for nearly two years following the failure of negotiations in 1824. The publication of the British order was the first real intimation which the great majority of Americans had that anything was seriously wrong in regard to the British West India trade question. There was some justification for the assertion of the British editor of the *New York Albion* that "the American people have been misled from the beginning to the end of this affair".²⁸

²⁵ *Ibid.*, XXXI, 78.

²⁶ *Ibid.*, XXXI, 229.

²⁷ *London Morning Herald*, Nov. 10, 1829, quoted in *Niles' Register*, XXXVI, 276.

²⁸ Quoted in *National Journal*, Oct. 5, 1826.

The order itself was received in America with mingled feelings. Some of Adams' friends were "profoundly alarmed for the administration" at the probable consequences of the order, interdicting as it did the trade between the United States and the British colonies in both hemispheres.²⁹ Webster urged that "some little statement" should be issued from Washington to satisfy "the public" that the national interests had not been overlooked.³⁰ The President, altho making light of the situation in public, asserting that "there must be something to stir the blood of the public, and it might as well be this as anything", confessed in the privacy of his diary that it was "a new trial through which we are to pass and the issue of which is with higher powers".³¹

Among the public in general, perhaps the first reaction was the selfish regret that the order had been issued, since it was believed that it would mean a loss of trade to the United States. "By this measure", said the *Boston Daily Advertiser*, "we are cut off from one of the markets for our surplus produce, and from a considerable field for the employment of our shipping."³² This was the view held by the *Albany Argus*, the *New York Enquirer*, and the *Richmond Enquirer*, the latter pointing out that the exclusion of American staples from the West India ports would bear "very hardly upon the Southern States".³³ With this feeling of regret was mingled the hope "that we are not again to witness . . . another legislative war at the expense of both nations",³⁴ tho the *Philadelphia Gazette* believed that in a "war of commercial restrictions" the United States would have a great advantage over great Britain.³⁵

Then, as Webster early discovered, there were those who embraced this opportunity "to find fault" with the Administration and "to produce an impression that the national interests have, in this instance, been overlooked".³⁶ The fol-

²⁹ *Memoirs of John Quincy Adams*, VII, 149.

³⁰ Webster to Clay, Oct. 13, 1826, in Colton, *Works of Henry Clay*, IV, 150.

³¹ *Memoirs of John Quincy Adams*, VII, 150.

³² *Boston Daily Advertiser*, Sept. 25, 1826.

³³ *Albany Argus*, Oct. 10, 1826. *New York Enquirer* quoted in *Richmond Enquirer*, Oct. 3, 1826.

³⁴ *New York Evening Post* quoted in *Albany Argus*, Oct. 13, 1826. *New England Palladium*, Sept. 26, 1826. *New Hampshire Patriot*, Oct. 2, 1826.

³⁵ *Philadelphia Gazette*, Sept. 27, 1826.

³⁶ Colton, *Works of Henry Clay*, IV, 150.

lowing editorial from the *New York Evening Post* is typical of the attitude of the Opposition press:

After ten years of negotiation and legislation upon this subject, and when both governments had become sensible of the advantages of a liberal reciprocity in trade, we confess we had not anticipated another *unprofitable war* of restrictions, at the mutual expense of two countries, whose interest it ever should be to cultivate a friendly and unrestricted intercourse. We were at first apprehensive, that Ministers, abandoning those liberal principles, for which they have been so justly distinguished, were about to make their first retrograde movement, by disturbing our commercial relations. But on examining the question, we regret to find that *we* have not in this instance, displayed our accustomed liberality: and that either from too much caution, or a desire *to gain too much*, we have brought this measure upon ourselves.³⁷

Thruout the country, however, from Maine to Virginia, the most prevalent and widespread reaction toward the British order was the belief or hope that the difficulty would yet be adjusted thru the skilful diplomacy of Albert Gallatin. This hope was expressed both by Administration and Opposition papers, with perhaps only a slight difference in the degree of assurance.³⁸ Said the *Daily National Intelligencer*:

At the latest date, Mr. Gallatin had already entered into conference with the British Government on this subject, and we look with some confidence to the revocation of the order before the time arrives for its taking effect.³⁹

The *Richmond Enquirer*, however, was not quite so confident, expressing only the hope that Mr. Gallatin would "lose no time in bringing the dispute to a complete and amicable termination".⁴⁰

This in fact was precisely what Gallatin was endeavoring to do. He had been commissioned with a negotiation which, in the view of Henry Adams, "was probably the most complicated and arduous ever trusted by the United States government in the hands of a single agent".⁴¹ The West India trade question was only one of a number of troublesome disputes entrusted to him for settlement, but the British order in coun-

³⁷ Quoted in *Boston Commercial Gazette*, Oct. 12, 1826.

³⁸ *New York American (for the country)*, Sept. 29, 1826. *New York Gazette*, Sept. 27, 1826 quoted in *National Journal*, Sept. 30, 1826. *Gazette of Maine*, Oct. 3, 1826. *Baltimore American* quoted in *Richmond Enquirer*, Oct. 20, 1826. *Daily National Intelligencer*, Sept. 29, and Oct. 2, 1826. *Niles' Register*, XXXI, 28. *Rhode Island American*, Dec. 5, 1826. *Norfolk Herald* quoted in *Newport Mercury*, Oct. 14, 1826; and many others.

³⁹ *Daily National Intelligencer*, Oct. 2, 1826.

⁴⁰ *Richmond Enquirer*, Oct. 3, 1826.

⁴¹ Adams, *Life of Albert Gallatin*, 613, 614.

cil brought it immediately into the forefront in the negotiations which followed. At the time of the first conference between Gallatin and Canning, the former had not seen the British order, which apparently was first published in England on August 18, the day following this interview.⁴²

Upon learning of its promulgation, however, Gallatin at once wrote Canning, stating his inability to discover the motive for the British order or to assign a cause for the contemplated suppression of the colonial trade. With one exception, there was not, he said, a single act of the United States which could be considered as not fulfilling the condition contemplated by the act of Parliament of July 5, 1825, as not placing the commerce and navigation of Great Britain and of her possessions abroad upon the footing of the most favored nation. This exception was the continuance of the discriminating tonnage duty of ninety-four cents per ton on British vessels and the additional duty of 10 per cent on goods imported into the United States from the British colonies in British vessels. But, he maintained, the countervailing duties which Great Britain had seen fit to place on American vessels and their goods entering the ports of the British colonies, and which were continued by the recent order, were "alone sufficient to place the British and American vessels employed in the intercourse between those colonies and the United States on the footing of the most perfect equality". Why, therefore, he questioned, should the British Government, after having imposed the countervailing duties, also resort to the complete interdiction of the trade in American vessels between the United States and the British colonies? In other words, having in her hands two remedies for one grievance, why, instead of applying the one or the other, did Great Britain apply both by the same order in council?⁴³

Canning's reply to Gallatin's note showed a desire to avoid any lengthy discussion of the recent order. In fact he stated at the outset his belief that it would "be highly advantageous to dispose at once of a subject which stands apart from all the other important subjects" to be discussed by the two governments.⁴⁴ Stating the British side of the case, he maintained, to begin with, that the footing on which the colonial

⁴² *Am. State Papers, For. Rel.*, VI, 249.

⁴³ *Ibid.*, VI, 249, 250.

⁴⁴ *Ibid.*, VI, 250.

trade was then permitted by the United States was unequal and unfair, but dismissed this subject with the assertion that "the objection which the British Government feels to the proposition for such partial equalization of conditions, as Mr. Gallatin's instructions appear to be intended to establish, lies deeper than Mr. Gallatin's proposition goes". The basis of this fundamental objection was "the unquestionable right" which Great Britain had to reserve to herself the trade with her colonies and to relax that reservation only under such circumstances and on such occasions as she pleased. As Canning stated it,

Our right either to open the ports of our colonies or to keep them closed as might suit our own convenience; our right to grant the indulgence of a trade with those colonies to foreign Powers, wholly or partially, unconditionally or conditionally, as we might think proper, and, if conditionally, on what conditions we pleased, was clear.⁴⁵

Great Britain, for various reasons, had seen fit to open her West India colonial ports to all countries, rather than to the United States exclusively.

The question is now, therefore, no longer what it was in 1820 or 1822, a question between Great Britain and the United States of America; it is a question between Great Britain and all the nations of the Old and the New World, to all of whom Great Britain has tendered access to her colonies on conditions which many of them have practically complied with, and more perhaps are ready to accept.⁴⁶

Having laid down the fundamental principle that nations in order to trade with British colonies must meet the conditions prescribed by Great Britain, he next proceeded to show that the United States had consistently failed to meet them. In doing this, he cited all the facts which were referred to earlier in this chapter as contributing to bring about the order in council.⁴⁷ Finally he came to the conclusion to which all else in his note had been leading up, that

whatever may be the date or tenor of the instructions under which Mr. Gallatin acts, he will have collected from this note that, after all that has passed upon the subject of colonial intercourse, and especially after the advised omission by the Government and Legislature of the United States to meet (as other nations have done) the simple and direct provisions of the act of 1825, the British Government cannot consent to enter into any renewed negotiation upon the intercourse between the United States and the British colonies, so long as the pretension recorded

⁴⁵ *Ibid.*, VI, 251.

⁴⁶ *Ibid.*

⁴⁷ See above, pp. 121, 122.

in the act of 1823, and there applied to British colonies alone, remains part of the law of the United States.⁴⁸

This abrupt refusal on the part of the British Government to negotiate regarding the British West India trade left Gallatin at a loss as to what course to pursue. His instructions, of course, provided for no such contingency. "He had to act for himself, and he was much perplexed to form any theory of British motives which would serve to guide his course."⁴⁹ With Canning's note before him, however, he came to the following conclusion:

On three points we are, perhaps, vulnerable.

1. The delay in renewing the negotiation.
2. The omission of having revoked the restriction on the indirect intercourse, when that of Great Britain had ceased.
3. Too long adherence to our opposition to her right of laying protective duties. This might have been given up as soon as the act of 1825 had passed.

These are the causes assigned for the late measures adopted toward the United States on that subject, and they have undoubtedly had a decisive effect, as far as relates to the order in council, assisted as they were by the belief that our object was to compel this country to regulate the trade on our own terms.⁵⁰

Gallatin believed, however, that even these facts would not account for the refusal to negotiate, and the apparent determination to exclude American shipping thereafter from participation in the trade of the British colonies. He felt an "alteration in the disposition" of the British Government towards the United States since he had last been in England in 1818. "Lord Castlereagh and Mr. Robinson had it more at heart to cherish friendly relations than Mr. Canning and Mr. Huskisson", he wrote. The difference, he thought, might perhaps be "in the times rather than in the men".

Treated, in general, with considerable arrogance till the last war; with great attention, if not respect, during the years that followed, the United States are now an object of jealousy, and a policy founded in that feeling has been avowed.⁵¹

Feeling that the American position was perhaps not altogether invulnerable, Gallatin in his reply to Canning did not make out so strong a case for the United States as Adams himself might have done. At the very outset he admitted

⁴⁸ *Am. State Papers, For. Rel.*, VI, 253.

⁴⁹ Adams, *Life of Albert Gallatin*, 617.

⁵⁰ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, p. 10.

⁵¹ *Ibid.*

that he "had overlooked the fact, that since the 5th of January, 1826, the indirect intercourse was allowed in American and forbidden in British vessels", and stated that it was "not in his power to assign the reasons why the provisions of the act of Congress of 1823, relating to that indirect intercourse" had "been continued in force after the corresponding restrictions of Great Britain had been removed, so far as related to foreign countries". The probability was, he thought, that the attention of the American Government had been principally turned to the general question whether it was better to have the trade regulated by treaty or by the respective laws of the two countries, and the fact that this particular restriction had been thus revoked by the act of Parliament of 1825 had escaped its notice.⁵²

After these introductory remarks, he explained that if Canning's refusal to enter into further negotiations had not been accompanied by various observations, "one of which at least has almost the appearance of a charge against the Government of the United States", his duty would have been simply to transmit the British decision to his own Government. But Canning's observations led him to attempt to justify the position of the United States. Altho he did not deny, as "an abstract and general principle", Great Britain's right to give to the United States or withhold from it the privilege of trading with her West India colonies, he maintained that the trade between the United States and the British West Indies had always been considered by both parties as of a peculiar character, "which distinguished it from every other species of colonial trade". Furthermore, the history of the relations between the United States and Great Britain and between the former and the British West Indies had led the American Government to the opinion that it "might, without violating the regard due to the usages and opinions of others, claim to treat on that subject as on that of any other commercial intercourse, and on the basis of equal and reciprocal conditions". He finally closed his note with the somewhat portentous suggestion "that an act excluding the United States from a trade open to the rest of the world is, as a *permanent measure*, of a different character from a general exclusion of all foreign nations".⁵³

⁵² *Am. State Papers, For. Rel.*, VI, 254.

⁵³ *Ibid.*, VI, 254-256.

Gallatin's reply contained "too much of concession and not quite enough of retort" to satisfy the Administration at Washington. What the President desired was "a thorough refutation of the false pretences and a keen retort upon the sarcastic insolence of Canning's note".⁵⁴ He was even opposed to making any concession of a right in Great Britain to ordain the interdiction and to refuse negotiation concerning it. The right of interdicting commerce was questionable, he believed, when applied exclusively to one nation, and that of refusing negotiation was scarcely maintainable after a formal and positive promise to negotiate.⁵⁵ A long note more in accord with the views of Adams was drawn up by Clay and despatched to aid Gallatin in meeting the situation created by the British refusal to negotiate.⁵⁶

In the meantime the British minister at Washington had informed the American Government that in view of its failure to meet the conditions of the act of Parliament of 1825, the only course which remained for the British Government was "to let the provisions of the act of 1825 take their course".⁵⁷ The American Government, consequently, considered the question "whether a proclamation of retaliatory interdict of British shipping from the colonies should not be issued under the Act of Congress of 1st March 1823". The Cabinet decided, however, that since the British interdict did not commence until December 1, and since the American interdict could not with propriety be taken until it was known that that of Great Britain had taken effect, it would be best to refer the whole question to Congress.⁵⁸

This President Adams did in his annual message of December, 1826, a considerable portion of which he devoted to a discussion of the British colonial trade question. Consciously or unconsciously this discussion was so worded and phrased as to be easily susceptible of misinterpretation by those not fully aware of the real situation. For instance, speaking of the negotiation of 1824, he said:

And a negotiation was commenced by mutual consent with the hope, on our part, that a reciprocal spirit of accommodation and a common sentiment of the importance of the trade to the interests of the two coun-

⁵⁴ *Memoirs of John Quincy Adams*, VII, 178.

⁵⁵ *Ibid.*, VII, 174.

⁵⁶ *Am. State Papers, For. Rel.*, VI, 256-266.

⁵⁷ *Ibid.*, VI, 257.

⁵⁸ *Memoirs of John Quincy Adams*, VII, 174.

tries, between whom it must be carried on, would ultimately bring the parties to a compromise, with which both might be satisfied. With this view, the Government of the United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with foreign powers, they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves, rather than to forego the benefit of a final and permanent adjustment of this interest to the satisfaction of Great Britain herself. The negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending, and to be speedily resumed. In the meantime another act of Parliament, . . .⁵⁹

No intimation is here made that the only bar to a "compromise" in 1824 had been the extravagant demand of the United States to have American goods admitted into the British West Indies on precisely the same terms as those from British territories themselves.⁶⁰ On the other hand, tho not expressly stated, it is intimated that the American Government "had determined to sacrifice something" early in the negotiations, while as a matter of fact this determination was reached almost two years after the suspension of the negotiations. The very phrase, "In the meantime", seems to intimate that the British act of 1825 had been passed during the period when the negotiations had been suspended "by accidental circumstances" but after the United States had determined to "sacrifice something". These are merely possible but easy impressions to gain from the message. Of course the diplomatic correspondence which accompanied the message more nearly revealed the true state of affairs. But perhaps Adams knew that while the newspapers would practically all print his message, very few would ever print all the documents accompanying it. Even in the matter of documents transmitted to Congress, he may perhaps be accused of attempting to cover up the weakness of the American position. From the letter of Gallatin to Clay in which the former stated his view of the points upon which he thought the United States vulnerable, only the following excerpt was included:

I have the honor to enclose the copy of my answer to Mr. Canning's note of the 11th instant, relating to the order in council of 27th of July last.⁶¹

With the publication of the President's message, the British West India trade question became one of the most dis-

⁵⁹ Richardson, *Messages and Papers*, II, 354.

⁶⁰ See above, p. 103.

⁶¹ *Am. State Papers, For. Rel.*, VI, 253.

cussed topics of the day in the United States. The *American Annual Register* believed that a deeper interest was imparted to this subject, because of Great Britain's termination of negotiations, than to any other connected with American foreign history during the year.⁶² In the ensuing discussions regarding the justice or strength of the American position in the controversy, a quite distinct cleavage in opinion at once appeared between the Administration and Opposition papers.

Administration papers either approved the Administration's course or attacked and condemned that of Great Britain. "The whole correspondence is a triumphant vindication of the course of our Government", declared a Massachusetts paper.⁶³ To this a Rhode Island paper agreed, adding, "Firmness, and a nice sense of the honor of the country were rarely, if ever, more happily blended with urbanity and an ingenuous desire to conciliate, than in Mr. Clay's long note to Mr. Vaughan, dated November 11, 1826."⁶⁴ "In this, as in all other questions of a like nature, we appear to have the right side", wrote Niles in his *Register*.⁶⁵ Anticipating that the Administration might be assailed, the *Richmond Whig* asserted, "The warm desire and active efforts of the government to complete the desired commercial arrangements with England have not been, and cannot be, called in question."⁶⁶ Both the prominent newspapers of Washington, the *Daily National Intelligencer* and the *National Journal*, supported the Administration's policy, the latter declaring that "every American and impartial reader will be convinced that the Executive conduct of this branch of our affairs has been characterized by moderation, prudence and justice".⁶⁷ The *New York National Advocate*, which indirectly supported the American Administration by attacking Great Britain, said:

The new principle of placing the West India trade in the light of a boon, effectually shuts off all consideration of reciprocity, and indicates that some other object is sought for by the English Government, from the very circumstances of resorting to such a miserable quibble as a pretext to break off all further negotiations.⁶⁸

⁶² *Am. Annual Register*, 1826-27, p. 41.

⁶³ *Essex Register*, Dec. 28, 1826.

⁶⁴ *Providence Journal* quoted in *National Journal*, Dec. 30, 1826.

⁶⁵ *Niles' Register*, XXXI, 241.

⁶⁶ *Richmond Whig* quoted in *National Journal*, Dec. 23, 1826.

⁶⁷ *National Journal*, Dec. 16, 1826.

⁶⁸ *New York National Advocate*, Dec. 18, 1826, in *National Journal*, Dec. 23, 1826.

A contemporary, the *New York American*, held that the pretensions set forth by Canning's note were "exorbitant and inadmissible", and even rallied to defend the claim advanced by Adams that American goods should enter the British West Indies on the same terms as Canadian.⁶⁹

It was early rumored that the two points against which the Opposition planned to direct its attack were the failure of the Administration to close with the propositions advanced by the British act of 1825, and its preference for a treaty rather than a legislative settlement of the colonial trade question.⁷⁰ The rumor was quickly substantiated, the *New York Evening Post* and the *Richmond Enquirer* leading in the attack. Criticism of the Administration ranged from mild assertions that its policy had "been short sighted", to the most outright condemnation. Speaking of the British offer of 1824, the *New York Evening Post* demanded

Now we ask in God's name, what more liberal, more honorable, more perfectly reciprocal we want than to have the intercourse between the United States and Great Britain placed on the precise terms here voluntarily offered by the latter power to the former.⁷¹

"Who, then, was right, during the last winter;" challenged another paper, "Mr. Tazewell, Gen. Smith, etc. or Messrs. Adams and Clay?"

The first wished to remove the great difficulty by law—the last by treaty. If a law had been passed, no treaty would have been necessary. Our diplomatic administration set their faces against the first; and now they cannot accomplish the last.⁷²

A severe arraignment of the Administration was made by a writer in the *Richmond Enquirer* for "cavilling about the manner" of accepting the British proposition:

The terms are such as the administration prefers a willingness to accede to by treaty, but not by an act of the legislature. Why this cavilling about the manner, if the thing be right itself? Folly and confusion seem to attend every step of this ill-fated administration which, Heaven grant, may be fast drawing to a close!⁷³

The editor of the same paper believed that the United States stood "in a most awkward and unpleasant relation to Great

⁶⁹ *New York American (for the country)*, Dec. 19 and 22, 1826.

⁷⁰ *Richmond Whig* quoted in *National Journal*, Dec. 23, 1826. *Essex Register*, Dec. 28, 1826.

⁷¹ *New York Evening Post (for the country)*, Dec. 29, 1826.

⁷² *American Statesman and City Register*, Dec. 16, 1826.

⁷³ *Richmond Enquirer*, Oct. 10, 1826.

Britain" and that it had been reduced to this position by Adams' "diplomatized Administration".⁷⁴ Had the diplomatic game succeeded, all might have been well, but unfortunately in this instance it had failed. The changes were continually rung on this fact by the Opposition press.

The end of the matter is . . . that the executive in this diplomatic game have lost Bishops, Castles, Knights, and Queen, and they are now afraid to move even in Congress, lest they should be "checkmated".⁷⁵

Soon after the real attitude of the British Government became known, the Administration had decided to submit the whole matter to Congress, and, altho Adams well realized the possibility of being "checkmated" by the Opposition in Congress, he had adhered to this decision. He believed that there was no alternative left the United States but "resistance or submission". He himself favored resistance but was content to leave the choice to Congress.⁷⁶ He therefore informed Congress:

The refusal . . . of Great Britain to negotiate, leaves to the United States no other alternative than that of regulating or interdicting altogether the trade on their part, according as either measure may affect the interests of our own country; and, with that exclusive object, I would recommend the whole subject to your calm and candid deliberations.⁷⁷

As to the precise action which should be taken, Adams held the opinion that "there should be an act of Congress totally interdicting the trade with all the colonies, both in the West Indies and in North America". But the same act, he believed, should provide "for the reopening of the trade upon terms of reciprocity whenever the British Government should be disposed to assent to them". If Congress should think proper to accept participation in the trade even without entire reciprocity, he wished them only to consider and determine how far they would be willing to concede advantages to British shipping to the detriment of American. As for himself, he "would advise no concession" but "would acquiesce in any that Congress would sanction".⁷⁸

Bills drafted in accordance with the views of the President

⁷⁴ *Richmond Enquirer*, Dec. 12, 1826.

⁷⁵ *New York Evening Post (for the country)*, Dec. 29, 1826.

⁷⁶ *Memoirs of John Quincy Adams*, VII, 166.

⁷⁷ Richardson, *Messages and Papers*, II, 355.

⁷⁸ *Memoirs of John Quincy Adams*, VII, 213, 214.

were introduced into both Houses of Congress.⁷⁹ The Senate bill provided:⁸⁰

1. That from and after September 30, 1827, the ports of the United States should be closed against any and every vessel coming or arriving by sea from any port or place in the British possessions named in the order in council of July 27, 1826, and in addition, Lower Canada, the Provinces of New Brunswick and Nova Scotia, the Islands of St. John and Cape Breton, and the dependencies of each respectively.

2. That any British vessel taking on a cargo of American goods in a port of the United States must give bond not to land it in any of the interdicted British possessions.

3. That this act should not go into operation if, before September 30, 1826, the President should receive satisfactory evidence that the said colonies were open to the admission of American vessels from the United States on the same terms as to British vessels from the United States, and that American vessels were permitted to export from the said colonies anywhere except the dominions or possessions of Great Britain any article which British vessels might export. If the President should receive such satisfactory evidence, he was authorized to issue his proclamation declaring so, whereupon the ports of the United States would be open to vessels of the United States and British vessels from such possessions; British vessels would be subject to no higher charges than American vessels from the same colonies; and from the date of the proclamation the acts of March 1, 1823, May 15, 1820, and April 18, 1818, would be declared repealed. If, on the other hand, Great Britain should open her colonies to American vessels on the same terms as to British vessels from the United States but should confine American vessels to the direct trade between the United States and the British possessions, then the President should open American ports to vessels of the United States, and to British vessels coming directly from said possessions into the United States, on the same terms as vessels of the United States; and from the date of the President's proclamation, sections one and two of this act should be suspended.

A careful examination of this bill reveals several interesting features. In the first place, the American interdict was

⁷⁹ *Register of Debates*, III, 399, 774, 775.

⁸⁰ *Ibid.*, III, 399-402.

wider in its scope than the British order had been. The Senate Committee felt that Great Britain had purposely left her North American possessions open to American shipping in order that an indirect trade might exist thru them to the British West Indies. The American bill was aimed to cut off this indirect trade in which British ships would secure much the longer freight. Secondly, not only trade in American and British vessels was interdicted, but trade in the vessels of any country. The British act of 1825 permitted vessels of foreign countries which had met the provisions of that act to clear from British colonies to any parts of the world, the British dominions and possessions alone excepted. The Senate bill provided for *absolute non-intercourse* with the British colonies; otherwise this trade might have been carried on as usual, but in foreign vessels. In the third place, the President was authorized to issue his proclamation upon either of two contingencies. If Great Britain saw fit to revoke her order in council and extend the privileges of the act of 1825 to American ships, he should open the ports of the United States to British vessels free from all discriminations. In addition, the American acts of 1823, 1820, and 1818 would thereupon be repealed. But if Great Britain should open her ports to American vessels only on the conditions which had existed prior to her act of 1825, i.e., restricting American vessels to a direct trade, then the President should likewise restrict British vessels to a direct trade. Furthermore, in this case the American acts of 1823, 1820, and 1818 were not repealed. Lastly, the American act provided that Great Britain must recede first in order to restore the trade between her colonies and the United States and to procure the repeal of the American acts. And yet it will be recalled that Canning had explicitly stated in his first note to Gallatin that Great Britain could not consent to treat regarding the British colonial trade so long as the pretension recorded in the act of 1823—that American vessels and goods should be admitted into the British West Indies on the same terms as British vessels and goods from British territory—remained part of the law of the United States.⁸¹ It certainly would be questionable whether she would recede from her order in council so long as the act of 1823 remained unrepealed.

⁸¹ See above, pp. 129, 130.

The bill as reported reflected the uncompromising, unconciliatory attitude of President Adams. As might have been expected, it did not coincide with the views of the Opposition; it did "not answer the object professed—conciliation".⁸² The bill was immediately seized upon in the Senate by the Opposition forces, "all the bill after the enacting clause" was struck out, and in its place two sections submitted by Senator Smith of Maryland were inserted.⁸³ When the Opposition got thru with it, the substitute bill provided:⁸⁴

1. That from and after December 31, 1827, no other or higher duties should be levied on British ships and goods from the British colonial free ports, than were levied on American vessels and like goods from the same ports.

2. That the American acts of 1823, 1820, and 1818 should be suspended until December 31, 1827, except so much as imposed discriminating duties on tonnage and cargoes of foreign vessels.

3. That, if before December 31, 1827, the President should receive satisfactory evidence, etc. (as in the original bill), he should issue his proclamation declaring the acts of 1823, 1820, and 1818 altogether suspended and repealed, such repeal to take effect from the time of said satisfactory evidence being received by the President. This bill, its author believed, offered to Great Britain exactly what she had offered to the United States the year before and did it in milder terms than the original bill submitted by the Committee on Commerce.⁸⁵

Certainly the two bills differed more in spirit than in actual content. Both provided that, for a period, British vessels should continue to be admitted into the United States from the interdicted colonial ports, subject only to the discriminating duties on tonnage and cargoes. The new bill simply extended this period for three months longer. Both provided that the acts of 1823, 1820, and 1818 should be repealed in case Great Britain should revoke her order in council and should admit American vessels to her colonies on the terms of the British act of 1825. The changes introduced into the new bill were due to the desire to conciliate Great Britain and perhaps, at

⁸² *Register of Debates*, III, 403.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, III, 403, 1501.

⁸⁵ *Ibid.*, III, 417.

the same time, to embarrass the Administration. The original bill held out a definite threat of widespread non-intercourse with British colonies if Great Britain did not recede; the substitute provided nothing for this contingency except that the suspended acts of 1823, 1820, and 1818 should cease to be suspended. The substitute bill definitely suspended until December 31, the offensive act of 1823, except in so far as it imposed discriminating duties; the original repealed it on condition that Great Britain should recede first. The question resolved itself into a matter of pride. The original aimed to save the Administration's pride by compelling Great Britain to recede; the substitute aimed to make the Administration swallow its pride in order to regain the British colonial trade. Those who preferred the latter were in a majority; the substitute bill was adopted by a vote of 32 to 10.⁸⁶

The bill adopted by the Senate was transmitted for approval to the House, which was already in the midst of a discussion of a bill similar in character to the one originally submitted in the Senate. In order to save time, as the session was nearing its close, the House laid aside its own bill and considered that already adopted by the Senate. This bill, as it stood, was not satisfactory to the majority in the House who wished to provide expressly for the contingency of Great Britain's not revoking her order in council and admitting American vessels to her colonial ports. By a vote of 80 to 56, therefore, the Senate bill was amended to provide that if the President's proclamation was not issued on or before December 31, 1827, then the acts of 1820 and 1818 should revive and be in full force and the act of 1823 together with the first section of the Senate bill should be repealed and annulled.⁸⁷

The Senate disagreed to the amendment of the House, but the latter insisted on its amendment and asked for a conference. The conference was unable to reach any agreement. Whereupon, the House having voted to adhere to its amendment, an attempt was made by the chairman of the Committee on Commerce in the Senate to have that body concur in the amendment. This attempt was defeated by a vote of 25 to 20, and by an exactly similar vote the Senate decided to adhere to its own bill and not agree to the House. Thereupon the Sen-

⁸⁶ *Register of Debates*, III, 495, 496.

⁸⁷ *Ibid.*, III, 1496, 1501-1507.

ate adjourned, *sine die*.⁸⁸ As a consequence no legislative action was taken by Congress to meet the British order in council.

In the course of the debates, the Administration had been roundly taken to task by various members of the Opposition. The President was accused of having prevented favorable action at the preceding session of Congress by his "interference", and of having been actuated by an "overweening ambition to display his skill in controversy and polemics".⁸⁹ The difficulty which then existed was "wholly attributable to the Executive branch of the Government".⁹⁰ In fact the West India trade had been lost, not because Great Britain had been unwilling to treat with the United States

upon the basis of a liberal reciprocity—but in consequence of the peculiar and extraordinary views entertained by our present Chief Magistrate; not merely during the last year, but through the whole ten years of a negotiation conducted under his special superintendence.⁹¹

During this period he had huckstered for an unattainable object with the consequent result that he had lost the substance itself.⁹²

These attacks were carried over into the newspapers, which again reflected the cleavage between the Administration and Opposition editors. In general the Opposition papers commended the Senate for its stand, attributing the defeat of the bill in the House again to the influence of the President. On the other hand, Administration papers maintained that the Senate was actuated only by a "wish to embarrass the Executive", that the attitude of the House was the one which should have prevailed. A few excerpts from editorials of prominent papers of the day will clearly reveal this contrast in opinion. Said the *New York Evening Post*, a leader of the Opposition:

The President, after having succeeded in defeating the Colonial bill in the House of Representatives after it had passed the Senate, has only now to issue his proclamation closing our ports against British vessels, in compliance with the wise recommendation of certain editors, to meet precisely the views of the British Government in issuing the Order in Council.⁹³

⁸⁸ *Ibid.*, III, 504-506, 1514, 1517, 1531.

⁸⁹ *Ibid.*, III, 1516, 1519.

⁹⁰ *Ibid.*, III, 1517.

⁹¹ *Ibid.*, III, 1465.

⁹² *Ibid.*, III, 1516.

⁹³ Quoted in *National Journal*, March 13, 1827.

The *Philadelphia Gazette*, another prominent Opposition paper, adopted the same attitude, asserting in addition its belief that

the true reason . . . why the House did not pass the bill was that it would have deprived the states on the *Northern* frontier of the colonial trade, which they now . . . are permitted to enjoy.⁹⁴

"Never", declared the *New York Enquirer*, "was a President more awkwardly situated, and all because of his private attachment to diplomacy."⁹⁵

On the other hand, the *Norfolk Herald* failed to see how the situation could be solely charged to the Executive, "when the whole subject was before Congress at the last session". If there was any responsibility, it declared, it devolved upon Congress.⁹⁶ The greater proportion of Administration papers, however, were not quite so broad in their condemnation. The *Portsmouth Journal*, for example, was very positive that

the Senate will have to bear all the blame of the failure of the bill to regulate the colonial trade . . . a majority of the Senate was obstinately resolved either not to legislate, or to pass a law which would have been a virtual abandonment of . . . fundamental principles.

It will be difficult for the majority in the Senate, to satisfy the public that they were actuated by any just motives in this extraordinary conduct;—the only assignable motive is a determination on their part, to thwart and oppose the passage of all beneficial laws lest the administration should receive credit of passing them, or to endeavor to throw upon the administration the odium of enforcing the most unpleasant but now necessary measures of retaliation.⁹⁷

This was likewise the view of the *National Journal*.⁹⁸ A Rhode Island paper accused the Senate of even trying to belittle the American Government before Great Britain.

The object of the Senate was evidently not so much the interests of the country as the wish to embarrass the Executive, and, if possible, hold up the Cabinet to the contempt of the British Government, and of the people of the United States, by forcing a submission to dishonorable terms—an avowal, in fact that the British Government were right, and ours altogether in the wrong.⁹⁹

⁹⁴ *Philadelphia Gazette*, March 16, 1827.

⁹⁵ Quoted in *Richmond Enquirer*, March 13, 1827.

⁹⁶ Quoted in *National Journal*, June 21, 1827.

⁹⁷ *Portsmouth Journal*, March 10, 1827.

⁹⁸ *National Journal*, March 27, 1827.

⁹⁹ *Rhode Island American and Providence Gazette*, March 23, 1827.

That the Senate was prevented from bringing this disaster upon the United States was due, the *New York American* believed, to the real Americanism of the House.

The bill then perished, because the House would not consent to make it the interest of England to keep her ports closed to us for one year certain, with the assurance of being better off at its termination than when the controversy began—because they would not consent to see the flag of their country struck, and supplanted in our own ports, by a foreign flag—because they would not humble themselves at the feet of Mr. Canning, and beg as a *boon* for that to which they have a right.¹⁰⁰

A foreign paper viewing the situation in the United States believed that Congress, by adjourning without adopting any measure to meet the commercial difficulty, had left the Administration to unwind the “Gordian knot of difficulty which was woven by their hands”.¹⁰¹ The means to this end were already in the hands of the Executive, according to the *National Journal*. Congress having seen fit to pass no new law, it remained for the President to carry into execution such laws as did exist, in other words to issue the proclamation provided for in the act of Congress of March 1, 1823.¹⁰² This act, passed to meet the requirements of the British act of 1822, provided that in case Great Britain should ever withdraw from American vessels the privileges extended to them by the British act, the President should issue his proclamation stating the fact, whereupon the American navigation acts of 1820 and 1818 should once more be in force.

This was precisely what the President was contemplating. Sometime before final action had been taken in the Senate, Adams had come to the conclusion that it was “extremely doubtful” whether any act of Congress would be passed on the subject, and had resigned himself to taking upon his own shoulders the “responsible burden” in case Congress meant to shift it upon the Executive.¹⁰³ Immediately following the adjournment of Congress at least three Cabinet meetings were held to discuss various phases of the situation which called for clarification.¹⁰⁴ Points concerning which doubt was expressed were: (1) whether the trade had been prohibited by

¹⁰⁰ *New York American* (for the country), March 20, 1827.

¹⁰¹ *Acadian* quoted in the *St. Christopher Gazette*; and *Charibbean Courier*, July 6, 1827.

¹⁰² *National Journal*, March 17, 1827.

¹⁰³ *Memoirs of John Quincy Adams*, VII, 231.

¹⁰⁴ *Ibid.*, VII, 236, 237, 238.

the British laws so that the proclamation would be required; (2) whether the proclamation was imperatively required by the laws; (3) whether the time for issuing the proclamation was at the discretion of the President; and (4) whether he could suspend its operation till the October or January following.¹⁰⁵ In regard to the first point, it was concluded that the occasion for issuing the proclamation had occurred. Judge Thompson of the Supreme Court held this opinion.¹⁰⁶ Concerning the second point, Clay's view that "the proclamation was positively required by the law" prevailed. His view that the time of issuing was, to some extent, discretionary, and that its operation might be prospectively made, encountered the opposition of the President who believed that there could be no prospective suspension of the law, but that the same effect could be achieved by remission of the forfeitures until reasonable time of notice should be given.¹⁰⁷ The final unanimous conclusion was that the proclamation "could not with propriety be delayed so long as until the next session of Congress", and if delayed at all, "no adequate motive for issuing it could be assigned at any subsequent period before the session".¹⁰⁸

On March 17, 1827, therefore, President Adams issued his proclamation in accordance with the act of March 1, 1823, stating that the prohibition of the colonial trade resulting from the British order in council had brought about the contingency contemplated in that act, and that consequently the American restrictive acts of 1818 and 1820 were once more in force.¹⁰⁹ The Treasury Department's orders carrying the proclamation into effect were most lenient in their operation until the first of the following July.¹¹⁰ The interdict thus brought into operation, however, was not as wide in scope as that contemplated in the original bill introduced into the Senate in the preceding session. British colonies outside the Western Hemisphere were not affected by the President's proclamation. The situation created by the action of the two governments resolved itself into this: all British colonial ports, with the exception of those of the East India Company which

¹⁰⁵ *Memoirs of John Quincy Adams*, VII, 236.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*, VII, 237.

¹⁰⁹ Richardson, *Messages and Papers*, II, 376.

¹¹⁰ *Am. State Papers, For. Rel.*, VI, 985.

were open by treaty agreement, and with the exception of those in the British provinces in North America, were closed against American vessels; all American ports were closed against British vessels coming by sea from any British colony in the Western Hemisphere.

The great majority of newspapers received the President's proclamation either in silence or with expressed approbation, believing apparently that the failure of Congress to legislate on the subject had left only this course open to the Administration.¹¹¹ But the two incorrigibles of the Opposition continued to remain consistently hostile to the Administration and anything it might do. The *New York Evening Post* felt bound to

deprecate the issuing of a proclamation at this moment, reviving the acts of 1818 and 1820, as eminently calculated to interpose further obstacles to the unfortunate difference existing between this country and Great Britain on the subject of the Colonial Trade; and for which misunderstanding we must insist, and do insist the Administration are exclusively at fault.¹¹²

The *Richmond Enquirer* took practically the same view.

The *President's Proclamation* is at length issued. The direct trade to the British colonies is lopt off . . . Thanks to the Diplomacy of the Administration. Gen. Smith asserts that they *duped* him into a belief that they wished to regulate the matter by law.—Mr. Lloyd, the Chr. of the Committee, declares that they assured him of their desire to effect it by negotiation.¹¹³

The most caustic adjectives were employed by the editor of the latter paper in describing "the clumsy and mischievous manner, in which the benefits of the Colonial Trade" had "been lost by the Administration". He accused them of having "wretchedly sported with" the whole question, of having made "extravagant" claims, of having employed "finesse", of having neglected the interests of the United States.¹¹⁴

But both in Administration and Opposition papers the hope was expressed that the difficulty might yet be adjusted or at least an attempt be made to adjust it thru diplomacy. Niles

¹¹¹ *Boston Daily Advertiser*, March 22, 1827. *New York American* (for the country), March 9, 1827. *New York Daily Advertiser*, March 20, 1827, in *Connecticut Courant*, March 26, 1827. *National Gazette* (Phila.), March 19, 1827. *Niles' Register*, XXXII, 39. *Daily National Intelligencer*, March 17, 1827. *Phoenix Gazette* (Alexandria), March 19, 1827. *Norfolk Herald in Providence Patriot*, March 31, 1827.

¹¹² Quoted in *National Journal*, March 20, 1827.

¹¹³ *Richmond Enquirer*, March 20, 1827.

¹¹⁴ *Richmond Enquirer* March 13, 27, 30, 1827.

stated in his *Register* that he was "happy to learn that there is every reason to believe that the negotiations with Great Britain touching the colonial trade . . . are in a fair way of being promptly and satisfactorily concluded".¹¹⁵ The *Daily National Intelligencer* believed that the difference between the two countries was merely "one of form", and that the hope might be indulged that the two powers would "yet reconcile their interests in some mode or other".¹¹⁶ The *Richmond Enquirer* was not so confident as to the outcome, but it was very confident that another attempt should be made to adjust the question by diplomacy. It believed the country was offered two alternatives—"either to lose the benefits of the trade", or immediately to push negotiations, accepting the best terms available.¹¹⁷ In view of the heavy responsibility resting upon the Administration, it believed that no set of men ever had stronger inducements to exert all their talents "for repairing the mischiefs" which they had committed.¹¹⁸ It trusted that the Administration would "make up for their neglect, and repair their transgressions" by a new and more effectual negotiation, tho it believed it would require "all Mr. Gallatin's skill" with some concession on the part of the Administration to extricate itself with any sort of credit.¹¹⁹ A New England paper felt some doubt as to the efficacy of diplomacy, believing that the whole question presented "a Gordian knot, which will require an Alexander in diplomacy to untie, if it ever is untied by negotiation".¹²⁰

If any American was fitted to play this rôle of "an Alexander in diplomacy", Albert Gallatin was probably the man. In his qualities and career as a diplomat, Henry Adams places him "first among the men of his time".¹²¹ But in this task, he had been able up to this time to accomplish little. Since the preceding August he had been engaged in a more or less fruitless exchange of notes with Canning. The latter, as pointed out above, had not been content merely to state that Great Britain declined further negotiation regarding the British West India trade question. Had he done so, the question

¹¹⁵ *Niles' Register*, XXXII, 39, 40.

¹¹⁶ *Daily National Intelligencer*, March 17, 1827.

¹¹⁷ Quoted in *St. Christopher Gazette*, May 18, 1827.

¹¹⁸ *Richmond Enquirer*, March 30, 1827.

¹¹⁹ *Ibid.*, March 13, 20, 1827.

¹²⁰ *Providence Patriot*, May 26, 1827.

¹²¹ Adams, *Life of Albert Gallatin*, 629.

would have been considered closed by the American Government.¹²² But he had brought forward what the latter considered to be "new principles" to which they could not subscribe, and had attempted to cast upon the United States the blame for the situation as it existed.¹²³ Consequently both Gallatin and Clay had felt called upon to reply to Canning's opening notes, with the result that the exchange of notes continued on thru January, 1827. This may be considered the first period of the negotiation under Gallatin.

During this period the discussions, aside from the fact that each party tried to ascribe to the other the blame for the situation and to defend its own course, revolved chiefly around the question of the "right" of Great Britain to break off so suddenly the negotiation regarding the West India trade. In justification of the failure of the United States Government to legislate on the subject of the British colonial trade following the British act of July, 1825, Clay maintained that the colonial trade was a fit subject for the adjustment by friendly negotiation, that it had been long and often a subject of negotiation between the two countries, and that the American Government was bound to conclude "that both parties entertained the expectation that it was to be arranged by negotiation and only by negotiation".¹²⁴ To Canning this presented an opportunity to claim that the American diplomat questioned the "right" of Great Britain to regulate her colonial trade and to negotiate or not negotiate regarding it. Forthwith he launched into a long discussion of the abstract "right" of Great Britain or any country to monopolize or regulate at her pleasure the commerce of her colonies, a right which, in the abstract, Gallatin had explicitly admitted. Gallatin believed that Canning's purpose from the first was thus to divert the former's attention from the real intentions of the British Government, and from the just reasons which the former thought the United States had to complain of the action of the British Government.¹²⁵ Whatever may have been Canning's aim, certain it is that Gallatin was able to secure no modification in the attitude of the British Government in regard to the question of reopening the negotiation.

¹²² *Am. State Papers, For. Rel.*, VI, 254, 259.

¹²³ *Ibid.*, VI, 251-253, 254.

¹²⁴ *Ibid.*, VI, 265.

¹²⁵ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, pp. 20, 21.

In fact Canning's last note regarding this subject, dated January 27, 1827, was more curt and uncompromising than his first. One or two excerpts reveal his attitude. Speaking of the belief of the American Government that, even after the enactment of the British act of July, 1825, the question was still open to negotiation, he said:

The undersigned is at a loss to understand on what ground it was assumed at Washington that there would be at all times an unabated disposition on the part of the British Government to make the trade of the West India colonies the subject of diplomatic arrangement.

The circumstances of the case were entirely changed.

Repeated negotiation had failed to produce any material approximation of opinions upon that subject.

The last attempt at an adjustment had been made with an evident conviction on both sides that there existed between them an unconquerable difference of principle, and that it was by that difference, rather than by any decided irreconcilableness of interests, that a satisfactory arrangement was rendered hopeless.

The nature of that difference has been sufficiently discussed . . .¹²⁶

Again, touching on the question of a further discussion of the situation, he said:

The undersigned believes that he has now touched on every topic in the last note addressed to him by Mr. Gallatin to which he has not had occasion to advert in former stages of their correspondence.

He will not allow himself to be drawn again into a discussion of topics already more than sufficiently debated.¹²⁷

The spirit of this note left but one course open to Gallatin—to drop the discussion. Canning himself was reported to have raised a laugh in Parliament by saying that he considered the correspondence as final since he had the "last word".¹²⁸ Altho he explained in a private note to Gallatin that he had merely stated that it was his "interest" to hope so, as, at present he had the last word, the spirit was practically the same.¹²⁹ The correspondence was therefore dropped.

The Government at Washington, however, did not wish to have the question dropped with the United States excluded from trade with all the British colonies except those in North America. Influenced, perhaps, by the attacks on the Administration which were constantly appearing in the press, by the hope expressed that the question might yet be adjusted by

¹²⁶*Am. State Papers, For. Rel.*, VI, 970.

¹²⁷*Ibid.*

¹²⁸*Niles' Register*, XXXII, 181.

¹²⁹*Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, p. 18.

diplomacy, and no doubt by the desire to rid itself of this cause of criticism before the final campaign of the approaching presidential election, the Administration resolved to make one final effort to adjust the difficulty. In a long letter, dated April 11, 1827, Clay authorized Gallatin to acquiesce in the decision which had been taken by Great Britain to regulate the colonial trade only by law. The latter was instructed to communicate "the President's acquiescence" to the British Government, and to "ascertain the disposition of that Government to open the trade by separate acts of the two Governments".¹³⁰ Should the British Government appear friendly to the suggestion, the "president" was willing to recommend to Congress, at its next session—

first, to suspend, as to the British Government, the alien duties on vessel and cargo, and to allow the entry into our ports of British vessels, laden with the same kinds of British produce, or British colonial produce, as American vessels can lawfully import, the British vessel paying no higher charges of any kind than American vessels are, under the same circumstances, bound to pay; and, secondly, to abolish the restriction contained in the act of the 1st of March, 1823, confining the trade to a direct intercourse between the colonies and the United States; . . .

Should the intercourse be opened on the above conditions, the American Government will have waived the demand heretofore made, that our produce should be received into the British colonial ports, paying no higher duties than similar produce pays in those ports when imported from other parts of the British possessions.¹³¹

In other words the Administration was willing to do now all that was originally necessary to do to meet the provisions of the British act of July, 1825. It was willing to do more than the British Government required in the negotiation of 1824 when an attempt had been made to adjust the colonial trade by a convention. Gallatin was instructed to inquire whether, if Congress should pass a law to the above effect, the order in council of July, 1826, would be revoked, the discriminating duties operating against American vessels in British colonial ports abolished, and American vessels be suffered to enjoy the privileges of trade and intercourse according to the provisions of the act of Parliament of July 5, 1825.¹³² The statement of a member of Congress that the Administration, "after huckstering for an unattainable shadow till they

¹³⁰ *Am. State Papers, For. Rel.*, VI, 974.

¹³¹ *Ibid.*, VI, 974, 975.

¹³² *Ibid.*, VI, 974.

lost the substance", was "now willing and anxious to do what they grossly neglected to do when they had the power", was perhaps not altogether unfounded.¹³³

There appeared to be little likelihood of a change in the attitude of the British Government, however. The order in council of July, 1826, had been popular in England at the time of its promulgation, and Gallatin reported that it was still "universally popular" in May of the following year.¹³⁴ The *London Times* admitted that the West Indies had been closed against American shipping "from feelings of commercial rivalry". It lamented that Britain's "commercial monopoly" no longer existed, while America's "starred flag is now conspicuous on every sea, and will soon defy our thunder".¹³⁵ *Bell's Weekly Messenger* thought and evidently hoped that the British Cabinet would

boldly meet and despise all the menaces of this non-intercourse system, and reply to the Americans with a contemptuous defiance of their threats to bully us out of a policy which has been one of the main pillars of the navigation system.

Even if the West Indies were subjected to some inconvenience, they must submit, it maintained, "in preference to succumbing to the naval insolence of the United States".¹³⁶ The shipping interest believed that it would be benefited by an adherence to the system of exclusion, and informed the Lords of Treasury that British tonnage "to a considerable amount" would immediately enter into the British West India trade "provided the owners could be assured that they would not be exposed to the competition of American ships".¹³⁷ Huskisson was informed that the order in council was considered "to be a most important and beneficial measure and the just step towards a return to our ancient policy". He was congratulated "on the bold and decisive measure", and the hope was expressed that it would be "permanent". Emphasis was laid on the importance of the British Government's "remaining firm and resolute in continuing the order in council".

¹³³ McDuffie in *Register of Debates*, III, 1516.

¹³⁴ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, p. 20.

¹³⁵ Quoted in *National Journal*, May 15, 1827.

¹³⁶ *Ibid.*

¹³⁷ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, p. 27. *Grenada Free Press and Public Gazette*, May 31, 1828.

Let it not be cajoled into the abandonment or modification of this order in council, either by the direct intrigue of the Americans, or the indirect efforts of the American party in the West Indies.¹³⁸

Gallatin had come to the conclusion as early as May, 1827, that the only chance of a change in the British policy was the effect which that policy might have on the West India colonies and the complaints which might be addressed to the British Government from them. He had heard of no remonstrance from this quarter as late as August, 1827.¹³⁹ In fact, the British colonists in the West Indies generally seemed to have forgotten their former trying experiences under the American acts of 1818 and 1820 or at least to have little fear of their recurrence. Several papers expressed the belief that no "great evil" nor "even any material inconvenience" would be felt by the colonists,¹⁴⁰ and altho some of the Trinidad papers were not so sure about this, they laid all the blame on the United States Government.¹⁴¹ One or two papers expressed their convictions with some emphasis. Said a Jamaica paper:

The Americans have taken it into their heads that we cannot do without their trade, but we can tell them that we do not care one ". . . cent" about it.¹⁴²

A Bermuda paper sincerely hoped that Great Britain would "never allow herself to be bullied into any deviation from the regulations" then in force by virtue of the order in council.¹⁴³ The United States could apparently look for little indirect aid from this quarter in its effort to secure the repeal of the British order in council.

It was with little chance of success, therefore, that Gallatin embarked upon the second period of his negotiation regarding the British West India trade, a period which may be characterized as one in which the American Government, by conceding all and more than Great Britain had formerly asked, sought to obtain revocation of the British order in council and the admission of American shipping into British colonies on the terms of the act of Parliament of July, 1825.

¹³⁸ Atkinson, *Letter to the Right Hon. W. Huskisson*, 57, 58, 43, 59.

¹³⁹ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, pp. 20, 27.

¹⁴⁰ Jamaica *Public Advertiser* quoted in *National Gazette*, Oct. 20, 1826. *St. George's Chronicle and Grenada Gazette*, Apr. 21, 1827. *Bahama Gazette* quoted in *St. Christopher Gazette*, May 18, 1827.

¹⁴¹ *Baltimore Gazette* quoted in *Tri-weekly National Intelligencer*, Oct. 17, 1826.

¹⁴² Quoted in *Philadelphia Gazette*, May 23, 1827.

¹⁴³ *St. George's Chronicle and Grenada Gazette*, March 3, 1827.

A change had taken place in the personnel of the British Cabinet since the question was last discussed. Lord Liverpool had died in February, 1827, and Canning had become Prime Minister. Gallatin's discussions, therefore, were carried on with Lord Dudley, the new Principal Secretary of State for Foreign Affairs.

Early in June, Gallatin informed the British Government that the United States acquiesced in the decision of the former to regulate the colonial trade by law, and stated that the President was "disposed to promote a restoration of that intercourse founded on such respective laws".¹⁴⁴ Some ten weeks later, after Canning's death and Lord Goderich's appointment as Prime Minister, an appointment which delighted Gallatin,¹⁴⁵ another note was despatched to Lord Dudley in which Gallatin informed the British Government of the legislative action which the President was willing to recommend, and inquired whether, if Congress should pass such legislation "at its next session", the order in council of July 27, 1826, would be revoked.¹⁴⁶ Finally, on September 13, Gallatin had a two-hour interview with Lord Dudley and Huskisson on the subject of the colonial trade.

Mr. Huskisson said it was the intention of the British Government to consider the intercourse of British colonies as being exclusively under its control and any relaxation from the colonial system as an indulgence, to be granted on such terms as might suit the policy of Great Britain at the time when it might be granted; that he was not prepared to say whether, or on what terms, it might be found expedient to open again the intercourse to American vessels, in case it was open on the part of the United States, and their laws laying restrictions or imposing extra duties on British vessels should be repealed; and that an answer to that effect would be given . . . if his colleagues agreed with him in opinion.¹⁴⁷

That Huskisson's colleagues evidently "agreed with him in opinion" was revealed in a formal note from Lord Dudley, under date of October 1, in reply to Gallatin's notes of June 4 and August 17. After a long discussion of the general subject in which again the blame was placed upon the United States for the situation in which the latter found itself, Lord Dudley concluded by stating that the British Government

¹⁴⁴ *Am. State Papers, For. Rel.*, VI, 977.

¹⁴⁵ *Diary of James Gallatin*, 272.

¹⁴⁶ *Am. State Papers, For. Rel.*, VI, 977, 978.

¹⁴⁷ *Ibid.*, VI, 978.

could not "prospectively commit itself to the adoption of any specific line of conduct" in the event of enactment by the American Government of the legislation previously outlined.¹⁴⁸ The excuses advanced were: (1) no anticipation could embrace all the details by which this legislation might be accompanied; (2) much would depend on the position and circumstances of each country and of the "commercial commonwealth in general" at the time when such legislation should come into effect; (3) the process seemed to combine the disadvantages of both treaty and legislation.

On the whole, his Majesty's ministers feel themselves under necessity of declining to give the pledge invited by Mr. Gallatin; and this with no special or exclusive reference to the peculiar measure in question. Their resolution is the result of considerations general in nature, and conclusive against a prospective pledge of any description respecting the colonial policy of Great Britain, whether of relaxation or restriction.¹⁴⁹

This time Gallatin had the "last word". He closed the whole discussion with his final note of October 3, announcing that he would transmit to his Government the determination of Great Britain not to pledge herself to any prospective action regarding the colonial intercourse. Some time was spent in refuting various charges made by Lord Dudley in his earlier note, in the course of which Gallatin indirectly accused both Canning and Lord Dudley of side-stepping the meaning and interpretation of the British act of July, 1825. He ended by stating that while he did not contest the right of Great Britain to regulate her colonial intercourse, he was not fortunate enough to be able to discover what actual advantages Great Britain would derive from the measures in which she was determined to persevere.¹⁵⁰

Having brought to a close the other negotiations which had been entrusted to him, Gallatin wrote to Washington the following day stating that he would avail himself of the President's permission to return to the United States.¹⁵¹ His attempt to regain for the American Government by tardy concessions what the Administration had formerly lost by their tardy action had failed. The British colonial ports, closed by

¹⁴⁸ *Ibid.*, VI, 981, 982.

¹⁴⁹ *Ibid.*, VI, 982.

¹⁵⁰ *Ibid.*, VI, 982-984.

¹⁵¹ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 132, p. 31.

the order in council of July 27, 1826, continued to remain closed to American vessels.

Nevertheless the situation of American commerce and navigation was not so bad as, at first blush, it appeared. A considerable amount of American produce still continued to find its way to the British West Indies indirectly. Two routes were open: one by way of the British North American provinces, the other by way of the foreign West India ports. Trade which went by the former route helped to swell the total British tonnage; that by the latter fell principally into the hands of American merchants. Quite naturally therefore the British Government favored the former route and, early in 1827, passed an act admitting masts, timber, staves, wood, hoops, shingles, lathwood, cordwood for fuel, ashes, raw hides, tallow, fresh meat, fresh fish, horses into Canada by land or inland navigation duty free. By the same act the seven first-named articles, which were special necessities in the British West Indies, when imported from Canada into any British possession in America were to be deemed produce of Canada. Kingston and Montreal were made additional free warehousing ports in an apparent effort to accommodate the trade which was expected to spring up between Canada and Western New York.¹⁵² Obviously, the purpose of this act was to make the British North American provinces depots in an indirect trade between the border states of the United States and the British West Indies, and to check the other indirect trade which was being carried on thru the foreign West Indies.¹⁵³

This indirect trade thru foreign ports in the West Indies still continued, for, even tho some of the North American provinces petitioned the Privy Council to interdict it, "except in extreme cases",¹⁵⁴ Great Britain apparently dared not subject her colonies in those islands to the distresses which would be sure to follow such an interdict. On the contrary, the British inspector-general of the customs instructed the customs house officials in the British West Indies to permit American articles to enter in British vessels, subject to the same duty only as if brought direct from the United States;¹⁵⁵

¹⁵² *Niles' Register*, XXXII, 409.

¹⁵³ *National Advocate* (N.Y.) in *Richmond Enquirer*, May 29, 1827.

¹⁵⁴ Petition of Chamber of Commerce of St. Johns, N.B., in *Niles' Register*, XXXII, 246, 247.

¹⁵⁵ *St. George's Chronicle and Grenada Gazette*, Feb. 2, 1827.

and an official order to this effect was later sent from England.¹⁵⁶ The only restriction which was placed on the trade was the stipulation that such goods must not be transhipped in the foreign ports; American goods must actually be landed in the foreign West India port and then reloaded into the British vessel for British ports in the West Indies.¹⁵⁷ With this exception, the trade was permitted to continue unrestricted.

Consequently a brisk trade, formerly unknown, sprang up between some of the Danish, Swedish, French, and Spanish West Indies and the United States and between the former and the British West Indies. The ports of St. Thomas, St. Eustatia, St. Bartholomew's, Martinique, Guadaloupe, St. Jago (Santiago) de Cuba, and others, became the depots in the indirect trade. Figures gleaned from official reports in the archives of the British Government revealed the fact that

of the amount of lumber introduced since the interruption of the direct trade, nearly one-half of the most valuable kinds, which previously went directly from the United States, passed through the foreign West Indies; of shingles, considerably more than one-half; and of staves, a greater number were imported from the foreign West Indies in 1828 than were introduced directly from the United States in 1825.¹⁵⁸

They also showed that in place of the 21,090 barrels of meal and flour which had been imported into the British West Indies from the foreign West Indies in 1825, a total of 142,090 barrels was imported in 1828. For corn and grain the same change had likewise taken place: 9,249 bushels in 1825; 126,221 bushels in 1828. Most of the increase came, of course, indirectly from the United States.¹⁵⁹

Then, finally, a very little trade continued between the United States and the British West Indies directly by the authority of proclamations issued by governors of the islands under the pressure of dire necessity. The commander-in-chief over St. Christopher, Nevis, Anguilla, and the Virgin Islands, for example, issued a proclamation on August 30, 1827, permitting for three months the importation in any foreign vessel whatsoever of a long list of articles formerly supplied directly from the United States. He was compelled

¹⁵⁶ *Niles' Register*, XXXII, 180.

¹⁵⁷ *Grenada Free Press, and Public Gazette*, July 30, 1828.

¹⁵⁸ McLane to Aberdeen, March 16, 1830, *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 28.

¹⁵⁹ *Ibid.*, 27.

to do this because of the devastation wrought by a late hurricane, because of the destruction of British vessels which brought supplies from the foreign islands in the West Indies, and because it was "absolutely requisite" to prevent distress.¹⁶⁰ Again, by an order in council, American vessels were permitted to enter the ports of the Bahama Islands in ballast to export salt and fruit, an order which especially riled Mr. Niles, who declared:

We have rarely met with a small matter containing so much arrogance. We are permitted to carry specie to the Bahamas, to purchase its surplus and wasting productions of salt, or to obtain cargoes of perishable fruit! "God save the King!"¹⁶¹

The effect of the British interdict of American trade upon the commerce of the United States in view of these conditions is revealed to some extent by the following table:¹⁶²

DESTINATION	Yearly Average, American Domestic Exports, Oct. 1, 1824 to Sept. 30, 1826	Yearly Average, American Domestic Exports, Oct. 1, 1827 to Sept. 30, 1829
British West Indies.....	\$1,857,222	\$13,806
Danish West Indies.....	1,336,126	2,072,237
Dutch West Indies.....	465,659	397,608
French West Indies.....	920,741	1,033,038
Swedish West Indies.....	157,167	648,053
Spanish West Indies.....	213,480	215,985
Cuba.....	3,513,107	3,816,130
West Indies, general.....	625,222	398,706
Total.....	\$9,088,724	\$8,595,563

Comparing the totals for the two periods, the effect of the British interdict appears to be a decrease in American domestic exports to the West Indies of \$493,161 or a trifle more than 26 per cent of the amount exported to the British West Indies directly in the two years before the order in council. But if only the figures for the Danish, French, and Swedish West Indies and Cuba are used as a basis for comparison—and these were the chief depots in the indirect trade—it is found that the decrease was only \$201,099 or approximately

¹⁶⁰ *St. Christopher Advertiser*, Sept. 25, 1827.

¹⁶¹ *Niles' Register*, XXXIII, 329, 337.

¹⁶² Compiled from Table No. 8 in each of the following *State Papers*: 19 Cong., 1 Sess., IX, No. 148; 19 Cong., 2 Sess., VI, No. 120; 20 Cong., 2 Sess., IV, No. 137; and 21 Cong., 1 Sess., II, No. 49, Table No. 9.

11 per cent. These figures take no account of the American produce that went into Canada by land or inland navigation and thence to the British West Indies in British vessels. In view of these facts it seems safe to say that the British order in council failed to produce any disastrous effect upon American foreign commerce to the West Indies.

The effect upon American navigation can be shown by a similar table:¹⁶³

DESTINATION	Yearly Average, American Tonnage Leaving the United States, Oct. 1824 to Sept. 30, 1826	Yearly Average, American Tonnage Leaving the United States, Oct. 1, 1827 to Sept. 30, 1829
British West Indies.....	96,849	6,696
Danish West Indies.....	40,652	62,360
Dutch West Indies.....	13,771	11,861
French West Indies.....	43,768	59,831
Swedish West Indies.....	5,793	27,401
Spanish West Indies.....	6,424	9,447
Cuba.....	116,478	122,608
West Indies, general.....	20,059	13,427
Total.....	343,794	313,631

Here the total American tonnage engaged in trade with all the West Indies showed a decline for the two years following the British order of 30,163 tons or approximately 30 per cent of the amount formerly engaged in trade with the British West Indies directly. By limiting the comparison to those islands which acted as depots in the indirect trade, it develops that even then the decrease was as much as 27 per cent. A safe conclusion would seem to be, therefore, that the British interdict did not throw out of employment all the shipping formerly engaged in the British West India trade, but that it did affect unfavorably something over one-quarter of it.

The total loss of the *direct* trade with the British West Indies, and the real loss which was felt to some extent by the shipping interests and to a lesser extent by the producers of goods for export, in spite of the indirect trade, presented too good an opportunity for arousing public opinion against the Administration not to be injected into the political campaign which preceded the election of 1828. The 'first constitutional

¹⁶³ *Ibid.*

opportunity to remove the present Executive of the United States" ought to be seized, declared the *New York Evening Post*, in order to regain the privilege of trading with the British West Indies.¹⁶⁴ Consequently the Opposition hosts, valiantly led by this same *New York Evening Post* and its old ally, the *Richmond Enquirer*, with the aid of a powerful recruit, the *Philadelphia Gazette*, energetically continued their attacks. But the Administration was not left undefended; it had four powerful and active advocates in the *National Journal* and *Daily National Intelligencer* of Washington, the *New York American*, and the influential weekly, *Niles' Register*. The papers on both sides teemed with editorials; their columns were crowded with letters which poured in on the subject. Influential men resorted to this device to attack or defend the Administration. One set of letters, for instance, written over the signature "Senex", appeared in the *Norfolk Herald* and was widely copied by Opposition editors.¹⁶⁵ When they were later published in book form in England, it developed that they were written by no less a person than Senator Tazewell of Virginia, an active anti-Adams man in Congress.¹⁶⁶

It was to the interest of the Opposition, naturally, to magnify the issue to its greatest extent. This was the particular contribution of the *Philadelphia Gazette*. It maintained that:

in its probable consequences, and in its various *connections* both immediate and remote, it is by far the most *important* question that has been submitted to the people of the United States since the conclusion of the last war.¹⁶⁷

Its warning sounded ominous:

It is not the amount of the trade . . . that gives this question its importance. It is the effect it must have on the general policy of the two countries in relation to various other points which must shortly come under discussion. *The question of peace or war hangs upon it.*¹⁶⁸

In its opinion the question was "far more important than the succession to the presidency". It might "affect the condition of the country under half a dozen Presidents".¹⁶⁹

Having thus magnified the situation as to its importance

¹⁶⁴ Quoted in *New York American* (for the country), May 8, 1827.

¹⁶⁵ Reprinted in *Richmond Enquirer*, April 20 to May 8, 1827.

¹⁶⁶ Tazewell, *A Review of the Negotiations between the United States of America and Great Britain*.

¹⁶⁷ *Philadelphia Gazette*, April 11, 1827.

¹⁶⁸ *Ibid.*, April 25, 1827.

¹⁶⁹ *Ibid.*, July 10, 1827.

and seriousness, the Opposition forces proceeded to attack the Administration directly and in various ways for bringing this situation about. Merchants were said to be "groaning under the loss of a trade" which had formerly been of great benefit to them, a trade which had been "lost—not to say sacrificed by the administration", in fact not only lost but "actually thrown . . . into the hands of rivals".¹⁷⁰ Why had this trade been sacrificed? Because of the Administration's "ruling passion for diplomacy".¹⁷¹ "Instead of settling the question by law during the last winter, they wished to assume the credit of deciding it by diplomacy".¹⁷² Mr. Adams had been "too confident of his skill in diplomacy to close the negotiations by a frank and manly acceptance of the terms offered by Great Britain".¹⁷³ Thus had the trade been lost!

This was the chief fault of the Administration, but it was by no means the only one. The "blunders of the government" in handling this question were ascribed to various other uncomplimentary causes, foremost among which, perhaps, stood "the negligence and imbecility of the 'practical statesman' of the ruling party".¹⁷⁴ President Adams, they declared, "sent out old Mr. King to negotiate, but forgot to give him any instructions, so intent was he and his Secretary of State at home arranging the State elections".¹⁷⁵ "Had not this negotiation been retarded by, and made subservient to executive electioneering, a treaty might have been concluded with the English before they had had time to change their mind, on terms highly advantageous to the American People."¹⁷⁶ In letters which appeared the Administration was attacked for its "undignified, unstatesman-like manner" of conducting this particular business, for being "grossly ignorant of the characters and duties of those with whom they were treating", for its "folly", "impolicy and imbecility", and its "pertinacious continuance in error".¹⁷⁷

¹⁷⁰ *National Palladium* quoted in *Baltimore Republican*, July 7, 1827. *New York Evening Post* quoted in *Richmond Enquirer*, May 29, 1827. *Connecticut Herald*, Feb. 26, 1828.

¹⁷¹ *Richmond Enquirer*, June 29, 1827, and May 22, 1827. *New Hampshire Patriot*, Sept. 24, 1827. *Philadelphia Gazette*, June 7, 1827.

¹⁷² *Richmond Enquirer* in *St. Christopher Gazette*, May 18, 1827.

¹⁷³ *Connecticut Herald* in *United States Telegraph*, Oct. 1, 1827.

¹⁷⁴ *American Statesman* (Boston), Jan. 6, 1827.

¹⁷⁵ *New Hampshire Patriot*, Sept. 24, 1827.

¹⁷⁶ *American Statesman*, Jan. 6, 1827.

¹⁷⁷ Writer in a New York paper quoted in *St. Christopher Advertiser*, May 29, 1827. Writer in *Richmond Enquirer*, Sept. 28, 1827.

Other minor charges were brought against President Adams based on the loss of the British West India trade. He was accused of having originated the "elsewhere" claim in order "to promote the interest of the owners of the *lumber* and *live stock of the Northern States*". Of course the writer in this case was a Southerner.¹⁷⁸ A western New York paper however pointed out that the actual effect of the situation as it then existed, whether intended or not, was that the "inhabitants of the western part of New York and the New England states" had had a "monopoly . . . thrown into their hands", altho the trade had "been lost to the Atlantic and Western States".¹⁷⁹ Here was a practical example of sectional favoritism, at any rate. Finally it was pointed out in a long editorial under the heading "*Reasons why General Jackson ought to be preferred to Mr. Adams by the people as president of the United States*" that the latter was unfitted to be President because of his anti-British tendencies.

The great and unanswerable objection to Mr. Adams we have always considered to be, that he laboured under such strong and unconquerable prejudices against the English nation, imbibed in his youth, and wilfully cherished through life, as disqualified him for conducting the affairs of his own country whenever they related to her, with that amicable spirit and good temper which a regard for our interests and honor imperiously demanded. A sad and lamentable proof that these fears were not chimerical, has been given in his sacrifice of the Colonial trade to the annual amount of some millions of revenue, and what is of far greater national importance, of our best nursery for our seamen; one of our great sinews in war.¹⁸⁰

Accusations such as these led to a counter-attack by the Administration papers which pointed out that the Opposition tone in America and the Tory tone in Great Britain were in the strictest harmony regarding the stand which the United States had taken on the subject of the British West India trade.¹⁸¹ "We are amazed", exclaimed one paper, "at the arguments adduced, and at the quarter whence they come, to justify Great Britain at the expense of America, and are compelled to adopt the conclusion, that faction, ever ready to seize upon any topic, to decry those whom it would overthrow, is

¹⁷⁸ *Richmond Enquirer*, April 3, 1827.

¹⁷⁹ *Rochester Daily Advertiser*, Aug. 1, 1827, in *Richmond Enquirer*, Aug. 14, 1827.

¹⁸⁰ *New York Evening Post*, Oct. 30, 1827.

¹⁸¹ *National Journal*, March 8 and Sept. 11, 1827. *Daily National Intelligencer*, April 5, 1827. *New York American (for the country)*, March 20, 1827. *Phoenix Gazette*, April 26, 1827. *Niles' Register*, XXXI, 282.

at the bottom of them all".¹⁸² With the revival of party spirit, it was charged, those who were opposed to the Administration were again found "on the side of a foreign Power against their own Government, on the very first question of any practical moment that has arisen up between the two nations".¹⁸³ Little wonder that the *London Courier* and the *London Times* were reported to have come out for Jackson's election! On the question of colonial trade it was "General Jackson and Great Britain against Mr. Adams and the United States".

The advocates of General Jackson, having circulated the idea that his election would be the means of restoring the Colonial Intercourse, and having, at the same time, asserted that the propositions of Great Britain are fair, and not to be rejected without the assumption of a severe responsibility; the inference to be drawn by the British ministers and editor, is clear and irresistible, that General Jackson and his friends are prepared to accede to all which they offer or desire. Under these impressions is it to be a subject of surprise, that the *Times* and *Courier* should cry out in favor of General Jackson for next President? No. The ascendancy of the commercial marine of Great Britain, and the perpetuation of her injurious monopoly, are questions deeply involved in the settlement of the Presidential contest.¹⁸⁴

Anyway, the Administration papers argued, the Opposition had unfairly exaggerated the whole question. They

uniformly speak of the West India Trade, as if the whole were lost, whereas, when the British West India ports were, all of them, open, *only one seventh part* of our exports to the West India islands were sent to the British West Indies.¹⁸⁵

And besides, the trade was still carried on indirectly:

We have, *since the loss of the W. India direct trade*, EXPORTED MORE to the West Indies than we did in the corresponding months of last year, when the trade was open.¹⁸⁶

Of course, it was not doubted that, "by permitting a direct trade upon terms prescribed by Great Britain, a few thousand dollars more might be made", but certainly "they could only be made at the sacrifice of the rights of our flag".

Whether we have yet reached that point in the career of nations, where honour is balanced against gold, and the love of country is to be regulated and circumscribed by calculations of mere profit and loss, is a

¹⁸² *New York American (for the country)*, March 20, 1827.

¹⁸³ *Daily National Intelligencer*, April 5, 1827.

¹⁸⁴ *National Journal*, Sept. 11, 1827.

¹⁸⁵ *Troy Sentinel in Daily National Intelligencer*, July 23, 1827.

¹⁸⁶ *New York American (for the country)*, Sept. 28, 1827.

problem, which, to judge from the appeals made by the British West India merchants—would be deemed questionable.¹⁸⁷

Finally, the Administration papers contended that the situation as it then existed was not due to anything President Adams had or had not done. It was due solely to the change of policy on the part of Great Britain. The British shipping interest had taken alarm at the new system of reciprocity and their clamors had “scared” the Ministry which was “glad to back out” by an order in council.¹⁸⁸

That Great Britain saw fit to recede from all her implied engagements, nay, from her recorded promise, . . . at about the time that new complaints from her ship-owners were beginning to tingle in Mr. Huskisson’s ears, and that her retreat should be covered by diplomatic sarcasm from the ancient quiver of her Foreign Secretary, is not, we think, in candor, chargeable as a fault upon the Administration.¹⁸⁹

In the face of this defense the Opposition papers retorted that an attempt was being made to get up the “old fever” against England with the aim that then “the friends of the Administration” would make it “an American and British question, and take advantage of the patriotic prejudices” of American citizens “to blind their eyes to the political blunders that have been committed”.¹⁹⁰ And so the argument went thruout the year 1827 and into 1828 when it gradually died down or became supplanted by later issues. But it can hardly be doubted that the situation arising from Canning’s refusal to negotiate regarding the colonial intercourse played an important rôle in arousing public opinion in America against President Adams. In preparing the way for Adams’ downfall in 1828, the loss of the British West India trade in 1826 and the subsequent failure of the President to regain it in 1827 exerted an influence which has hitherto been underestimated by American historians.

¹⁸⁷ *New York American (for the country)*, May 8, 1827.

¹⁸⁸ *National Journal*, March 20 and May 15, 1827. *Daily National Intelligencer*, May 10, 1827. *Gazette of Maine*, April 10, 17, 24, 1827.

¹⁸⁹ *Daily National Intelligencer*, April 5, 1827.

¹⁹⁰ *New York Evening Post (for the country)*, Dec. 29, 1826.

CHAPTER VI. THE RECIPROCITY OF 1830

It has already been pointed out that the loss of the direct trade to the British West Indies played a prominent part in paving the way for President Adams' defeat for re-election in 1828. From comments appearing in various newspapers in different parts of the country, it is evident that Jackson's supporters, if not Jackson himself, gave certain "promises" or "pledges" or "assurances" that Jackson's election would mean the recovery of the British West India trade for American merchants. His election, therefore, was followed by the expectation that an attempt would be made to redeem this pledge.¹ Jackson himself argued that the acknowledged importance of this branch of trade, the influence it was believed to have had in his elevation to the presidency, and the general expectation on the part of the people that renewed efforts might be successfully made to recover it, imposed upon him the duty of undertaking the task.² He therefore determined upon a quiet attempt thru diplomacy to regain the trade, and chose as his agent in the negotiation Mr. Louis McLane of Delaware.

With the appointment of Mr. McLane as minister to England the Opposition newspapers³ quickly spread the rumor that the negotiation of a commercial treaty with Great Britain was contemplated. This "rumor of the day" declared that Jackson intended to make a "deal" with the British Government in which, by way of exchange for the liberty of trade with the British colonies, the United States would surrender a portion of its duties on British woolen or other manufactures. It was thought possible that even the American coasting trade might "be swapped" for this privilege. The report that there was to be an important conference between some of the Administration leaders at Wilmington, Delaware, prior to Mr. McLane's departure for England further strengthened this belief that there was "something in the wind". Rumor

¹ *National Journal*, Sept. 11, 1827. *Portland Advertiser*, June 8 and Sept. 7, 1830. *Eastport Sentinel* in *Portland Advertiser*, Aug. 17, 1830. *Daily Advertiser* (Providence), Sept. 23, 1830.

² Letter from Jackson to Republican members of the New York legislature, in *Niles' Register*, XLII, 39.

³ With the change of Administration in 1829, automatically and almost unanimously the papers which had formerly been Administration papers became Opposition prints, and *vice versa*.

had it that the new minister to England had summoned Mr. Cambreleng—destined to be chairman of the Committee on Commerce in the House—to come in post haste to Wilmington whither the Secretary of State was also to repair, and that there the subject of the commercial treaty would be handled by the distinguished trio. A meeting of some sort actually did take place, and what was later ridiculed by the Administration prints as the “Wilmington Conspiracy” was the surmise on the part of the Opposition that the conference had been held to deliberate to what extent it would be safe for the Jackson party to surrender a portion of the American tariff in return for the right to trade directly with the British colonies.⁴

Considerable hostile discussion had been based on the mere suspicion or surmise of what McLane’s instructions contained. Had his actual instructions been known at the time, there is reason to believe that the outcry would have been deafening. These instructions were based to a great extent, it is said, on McLane’s personal belief that the only way to reopen the case after England’s summary decision in 1826 was to urge that there had been a change in American opinion.⁵ He asked permission to proceed on that basis. Jackson himself saw “nothing derogatory, and surely nothing wrong, in conducting the negotiation upon the common and established principle that in a change of administration there may be a corresponding change in the policy and counsels of the government”. The fact that the British West India question had played a part in the previous election, was, he believed, “as notorious as the circulation of the American press could make it”. According to his sense of duty, therefore, it was natural, reasonable, and proper to avow it frankly if the interests of the people of the United States should so require.⁶ He therefore gave McLane permission to proceed on that basis, and, it is said, McLane wrote his own instructions to that intent.⁷ Whether he wrote them or not, Van Buren’s name was of

⁴ *Niles’ Register*, XXXVIII, 2, 3. *New York Commercial Advertiser* in *Niles’ Register*, XXXVIII, 201. *National Intelligencer*, July 18, 22, 25, 1829. *New York Commercial Advertiser* in *National Intelligencer*, July 15, 17, 25, 1829. *New York American*, July 27, 1829, in *National Intelligencer*, Aug. 1, 1829.

⁵ Bassett, *Life of Andrew Jackson*, II, 660, 661.

⁶ Letter from Jackson to Republican members of the New York legislature, in *Niles’ Register*, XLII, 39.

⁷ Bassett, *Life of Andrew Jackson*, II, 661.

course subscribed to them, and he it was who later was compelled to bear the brunt of the attack because of them.

In his long note of instructions to McLane, dated July 20, 1829—about the time of the Wilmington conference—Van Buren sketched somewhat in detail the course of the long controversy up to the British order in council of 1826 which closed the British colonial ports to American shipping. He then wrote:

In reviewing the events which have preceded, and more or less contributed to, a result so much to be regretted, there will be found three grounds upon which we are most assailable, 1st, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies; 2nd, in not relieving her vessels from the restriction of returning direct from the United States to the colonies after permission had been given by Great Britain to our vessels to clear out from the colonies to any other than a British port; and 3rdly, in omitting to accept the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our Government. It is, without doubt, to the combined operation of these causes, that we are to attribute the British interdict. You will therefore see the propriety of possessing yourself fully of all the explanatory and mitigating circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced.⁸

These three points, which were later assailed because they admitted that Great Britain had been right and that the United States had been wrong, were quite evidently copied almost intact from Gallatin's note to Clay of September 22, 1826.⁹

In order to remove "the unfavorable impression" which errors of a previous administration had produced, McLane was authorized to acknowledge the right of Great Britain to impose protecting duties in her colonies. At the same time he was instructed to withdraw the former demand of the American Government that British ships entering the United States from the British West Indies must return directly to those islands; and was authorized to state that President Jackson was willing to adopt either the method of treaty or that of separate legislation as a means of arranging the colonial trade.¹⁰ But even in adopting this conciliatory attitude, Van Buren was introducing no new note. Clay had au-

⁸ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 9.

⁹ See above, p. 130.

¹⁰ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, pp. 10, 12, 13.

thorized Gallatin to take a similar attitude in his negotiation of 1826-27.¹¹

The new note was sounded when Van Buren instructed McLane to inform the British Government, in case the latter declined to reopen the negotiations because of the omission of the United States to accept the terms proposed when offered earlier, that the views held by the previous administration had been repudiated by the American people. He wrote:

Their views upon that point have been submitted to the people of the United States, and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late Administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question have been explicitly abandoned by those who first asserted them, and are not revived by their successors. To set up acts of the late Administration as the cause of the forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility.¹²

The American people were here introduced, in a characteristically Jacksonian way, as a judge who had condemned the course pursued by Jackson's predecessor. Political opinion in the United States was invoked as a reason for seeking concessions abroad. Webster denounced the instructions as derogatory to the character and honor of the United States. He maintained that they revealed a manifest disposition on the part of the writer of them to establish a distinction between his country and his party, to place that party above the country, to make interest at a foreign court for that party rather than for the country, to persuade the English ministry, and the English monarch, that *they* had an interest in maintaining in the United States the ascendancy of the party to which the writer belonged.¹³ Criticisms such as this later cost Van Buren the position of minister to Great Britain. At that time, Jackson admitted that this much of the instructions had proceeded from his own suggestion and had been the result of his own deliberate investigation and reflection. He defended them on the ground that the United States should not suffer continued injury or injustice simply because a former administration had insisted upon terms which it had subsequently

¹¹ See above, p. 149.

¹² *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 11.

¹³ *Register of Debates*, VIII, Part 1, 1329. *Works of Daniel Webster*, III, 357.

waived, or because it had failed seasonably to accept an offer which it had afterwards been willing to embrace.¹⁴

Armed with these instructions, McLane began a series of personal conferences with Lord Aberdeen on November 13, 1829, in the course of which he discovered that Great Britain considered it a serious ground of complaint that Adams' administration, after failing to embrace the terms offered to the United States in common with other nations, had resented a measure occasioned by its own wrong by a heavy and unparalleled retaliation upon British colonial trade. The chief objection, therefore, to a reopening of the colonial trade to the United States upon the terms of the British act of 1825 appeared to be the impracticability of a change in British policy at that time, without a previous alteration in the state of things in the United States. McLane's final conclusion was that no adjustment of the question could then be made which did not remove or obviate the British objection.¹⁵

This desired result might be accomplished, he believed, by reverting to the state of things, in so far as respected American colonial regulations, which had existed at the date of the British act of 1825, and by then doing by legislation what ought to have been done at that time.¹⁶ Accordingly, after informing the British Government that the claims advanced in justification of the omission of the United States to embrace the offers of Great Britain had been abandoned by those who held them and had received no sanction from the American people, he announced the readiness and desire of the American Government under Jackson to comply with the conditions of the act of 1825.¹⁷ He signified to Lord Aberdeen his willingness to recommend that steps be taken to that end by the United States provided he could be assured that such measures would be immediately followed by a revocation of the British order in council and the extension to the United States of the advantages of the act of Parliament of 1825. On this question Lord Aberdeen declined to commit himself until the proposition had been submitted to the British Cabinet.¹⁸

At the end of a month of verbal conferences the American

¹⁴ Letter from Jackson to Republican members of the New York legislature, in *Niles' Register*, XLII, 38, 39.

¹⁵ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 118, p. 2.

¹⁶ *Ibid.*, 3.

¹⁷ *Ibid.*, 21 Cong., 2 Sess., I, No. 20, p. 50.

¹⁸ *Ibid.*, 22 Cong., 1 Sess., III, No. 118, p. 3.

minister found himself still unable to obtain a definite answer to the propositions he had submitted for an arrangement of the colonial trade. He, therefore, decided to ask for such an answer thru a formal written communication.¹⁹ In this note he sketched briefly the grounds upon which the American Government based its belief that it was not unreasonable to suppose that the negotiation might be advantageously resumed, that Great Britain might be induced to rescind her order in council, and that a satisfactory arrangement might immediately be made by the reciprocal acts of the two governments. Thereupon he reviewed the proposition which the American Government thought expedient to offer. In conclusion, he emphasized two points: first, that delay in reaching an agreement could only tend to increase the difficulties on both sides to any future adjustment; and secondly, that it would be difficult for the United States to reconcile the marked and invidious relation in which it was then placed with its idea of justice, or with the amicable professions of the British Government.²⁰

Aside from a short note of acknowledgment in which the American minister was informed that no time would be lost in bringing the American propositions under the consideration of the British Government, no formal step was taken on either side during the next three months.²¹

Undoubtedly one of the chief reasons for the inaction of the British Government, in view of the conciliatory propositions submitted by the American minister, was the dilemma in which it found itself placed. McLane had intimated that a refusal to reopen the colonial trade, after the concessions and explanations made by the American Government, would be considered as inconsistent with the amicable professions of the British Government. No great amount of insight was needed on the part of the latter to perceive that, once the United States realized that it had again been rebuffed, further and more serious measures of retaliation might be expected against British commercial interests. On the other hand, the reopening of the colonial trade to American vessels could be accomplished only in the face of the most energetic opposition from the British North American provinces.

¹⁹ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 118, pp. 3, 4.

²⁰ *Ibid.*, 21 Cong., 2 Sess., I, No. 20, pp. 16, 17.

²¹ *Ibid.*, 18.

As the British Government was well aware, these provinces had reaped considerable benefit from the exclusion of American vessels from the British colonial trade.²² Such ports as Halifax and St. Johns had enjoyed a greatly increased commerce with the British West Indies since the United States had been prohibited from participating directly in that trade.²³ In full confidence that the trade would remain as it was, merchants of British North America had invested a great part of their capital in the British West India trade, and they feared that if that trade was once more opened to American merchants, inevitable ruin would be brought upon themselves.²⁴

Consequently the British North American colonists proceeded to wage a vigorous campaign against any concession to the United States in the colonial trade as soon as it became known that negotiations were pending between Great Britain and the United States in regard to that question. A special meeting of the Montreal Committee of Trade was immediately called "on account of the recent intelligence from London, respecting the negotiations said to be pending there for the opening to the United States a direct intercourse with the British West Indies and Demerara". Great alarm was expressed, and resolutions were unanimously adopted that petitions and memorials be transmitted to London in opposition to such a concession.²⁵ Addresses to the King were drawn up by the council and assembly of New Brunswick and by similar bodies in Nova Scotia, desiring that the British Government adhere to the "wise and enlightened policy" which had preserved to British subjects in North America "a trade so essential to their prosperity".²⁶ The lieutenant-governor of New Brunswick, being in London at the time, added his most strenuous exertions to defeat this measure which, it was argued, would so fatally affect New Brunswick and the neighboring provinces.²⁷ The colonial press contributed its voice to the general clamor against any possible concession to Ameri-

²² *Ibid.*, 22 Cong., 1 Sess., III, No. 118, p. 2.

²³ McGregor, *British America*, II, 89, 152, 153.

²⁴ *Ibid.*, II, 154-156, 159-161.

²⁵ *New York Evening Post*, Jan. 4, 1830.

²⁶ *London Morning Herald*, April 19, 1830, in *Philadelphia Gazette*, May 27, 1830. McGregor, *British America*, II, 159-161.

²⁷ St. Johns newspaper quoted in *Niles' Register*, XXXVI, 430.

can shipping.²⁸ The British Government, therefore, probably felt some hesitancy about committing itself either in one way or the other.

As the weeks passed with no definite news, favorable or unfavorable, regarding the colonial trade negotiation, newspapers in the United States endeavored to fill the gap with conjectures based chiefly on hopes and party inclinations. Altho now and then some enthusiastic Administration editor ventured to announce faintly that all was going well, the majority were content to remain silent, evidently awaiting the issue not without some misgivings themselves. That intrepid and usually positive Administration organ, the *New York Evening Post*, believed it was true that a prospect of recovering the West India trade for the United States did exist, but that it was true also that the difficulties in the way were very great, so that it ought not to be a matter of disappointment should they eventually prevent the success of the negotiation.²⁹ The mild tone of this paper led the *Daily National Journal* to conclude that all the Administration "anticipations" were mere "delusions", and to exult with joy because McLane had "totally failed" to conciliate the British minister. This in general was the tone of the Opposition press in the early part of the year 1830.³⁰

Even Jackson himself at length began to lose patience. On April 10, 1830, he wrote Van Buren as follows:

We ought to be prepared to act promptly in case of a failure. We have held out terms of reconciling our differences with that nation of the most frank and fair terms. Terms, which, if England really had a wish to harmonize, and act fairly towards us, ought to have been met in that spirit of frankness and candor and friendship with which we proposed them. These terms being rejected our national character and honor requires, that we should now act with that promptness and energy due to our national character. Therefore let a communication be prepared for Congress recommending a non-intercourse law between the United States and Canada, and a sufficient number of cutters commanded by our naval officers and our own midshipmen made revenue officers and a double set on every vessel & &. This adopted and carried into effect forthwith and in six months both Canada and the West India Islands will feel, and sorely feel, the effects of their folly in urging their government to adhere to our exclusion from the West India trade.

²⁸ *Quebec Gazette*, and *Montreal Gazette*, in *New York Evening Post*, Jan. 19, 1830. St. Johns paper in *Niles' Register*, XXXVI, 430.

²⁹ *New York Evening Post*, Jan. 14, 1830.

³⁰ *Daily National Journal*, Jan. 18, 1830.

Will Mr. Van Buren think of these suggestions and see me early on Monday to confer upon this subject?³¹

But at that very moment, a note was on its way from McLane with an explanation of the situation in London.

McLane knew that Jackson wanted a final decision by the British Government one way or the other before Congress adjourned.³² Consequently, after waiting three months for some reply from the British Government, he had determined to make another attempt to obtain a decision. This time he started out with a firm tone, announcing that

whatever be the disposition which His Majesty's Government may now be pleased to make of this subject, it must necessarily be final, and indicative of the policy to which it will be necessary in future, to adopt the commercial relations of each country.³³

This he followed up with the suggestive information that

when the United States shall think they have grounds to consider themselves singled out from all other nations and made the exclusive object of an injurious regulation; when they shall imagine it levelled at their prosperity alone, either in retaliation for past deeds, or for interested purposes—to secure some adventitious advantage, or to encourage a hostile competition, by means of commercial monopoly; however justifiable in that case, they may admit the regulation to be, in point of strict right, they will hardly be able to refrain, not merely from complaint, but from a course of measures calculated to avert the intended injury, though pregnant, perhaps, with consequences to be ultimately lamented.³⁴

Having announced this positive attitude for the future, he next laid down the premise that any departure from the rigid colonial system must be founded in the interests of the colonies themselves. From this premise he launched out upon a long and detailed statement explaining why it was for the good of the British colonies in the West Indies that the United States should again be admitted to a direct trade with them. On the other hand, as for any harm which might come to the British colonies in North America from such a course, the United States did not propose, he said, to expose them without a protection to a competition with American productions. On the contrary, it supposed that a fair preference was already secured to them in the West India market by the scale of duties prescribed by the act of 1825 and to which the United States

³¹ Quoted from a Jackson MS., in Bassett, *Life of Andrew Jackson*, II, 661, 662.

³² *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 19.

³³ *Ibid.*, 20.

³⁴ *Ibid.*, 21.

did not object.³⁵ All that the United States required was that it might be permitted to contribute supplies by a direct trade and that its ships might be the carriers of such of its own productions as were indispensable or highly necessary to the planters.³⁶

In presenting this note, which was dated March 16, 1830, McLane stated his desire to have an answer from the British Government in time for the packet of March 24th.³⁷ In this he was disappointed. Nevertheless he did dispatch a short note to Van Buren in which he stated that he had come to the conclusion that the British Government could have no motive longer to delay its answer except that of ultimately assenting to an arrangement between the two countries. On the other hand, in case Great Britain did reject the American proposition, he believed the United States ought not to lose for a year the opportunity to legislate upon the subject. He hoped to have a reply from the British Government in time to forward it by the packet of April 1st, but suggested that it might not be inexpedient, in case this packet was delayed, to provide for a decision during the recess of Congress. Prospective legislation might be passed authorizing the President, in case an arrangement was made with Great Britain, to comply with the terms for the United States by his proclamation, or, in the event of an unfavorable decision, to execute the views of Congress by similar means.³⁸ Two weeks later, none of his efforts having "proved sufficient to bring the answer", McLane dispatched a second note to Van Buren stating that he might be able to send the British reply by the packet of April 16.³⁹ At the same time he announced his belief that the negotiation must end in one of three modes: in a positive refusal to change the regulations then in force; or a revocation of the order in council of 1826 upon the terms of the proposition earlier submitted by him; or in a revocation of that order with some increase of duties imposed by the act of Parliament of 1825, in favor of the productions of the British North American possessions. The last mode appeared to him the most probable. He therefore again suggested that legislation

³⁵ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 30.

³⁶ *Ibid.*

³⁷ *Ibid.*, 22 Cong., 1 Sess., III, No. 118, p. 4.

³⁸ *Senate Docs.*, 22 Cong., 1 Sess., III, No. 118, p. 4.

³⁹ *Ibid.*, 21 Cong., 2 Sess., I, No. 20, p. 38.

by Congress, with a view to that state of things, vesting in the President a discretion to regulate the trade, or to rescind the American laws, would not prove prejudicial.⁴⁰

When the adjournment of Congress approached in May, 1830, and as yet no reply from the British Government had been forwarded to Washington by McLane, Jackson determined to pursue the course recommended by the former. He therefore submitted to both Houses of Congress the following message:

I think it my duty to inform you that I am daily expecting the definite answer of the British Government to a proposition which has been submitted to it by this, upon the subject of the colonial trade.

This communication has been delayed by a confident belief that the answer referred to would have been received early enough to have admitted of its submission to you in sufficient season for the final action of Congress at its present session, and is now induced by an apprehension that although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

Should this branch of the negotiation committed to our minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the President has in no event authority to remove it.

Although no decision had been made at the date of our last advices from Mr. McLane, yet from the general character of the interviews between him and those of His Majesty's ministers whose particular duty it was to confer with him on the subject there is sufficient reason to expect a favorable result to justify me in submitting to you the propriety of providing for a decision in the recess.

This may be done by authorizing the President, in case an arrangement can be effected upon such terms as Congress would approve to carry the same into effect on our part by proclamation, or, if it should be thought advisable, to execute the views of Congress by like means in the event of an unfavorable decision.

Any information in the possession of the Executive which you may deem necessary to guide your deliberations, and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required.⁴¹

This message was referred to the Committee on Commerce in the House, of which Cambreleng—of Wilmington fame—was chairman. The following day he reported a bill to meet the situation, and at the same time submitted a resolution requesting the President to communicate such information in relation to the negotiations with Great Britain concerning the

⁴⁰ *Ibid.*, 38, 39.

⁴¹ Richardson, *Messages and Papers*, II, 480, 481.

colonial trade as was not incompatible with the public interest. This resolution being adopted, the House was thrown into an executive session to receive the confidential message of the President. While in executive session Cambreleng's bill was finally passed, substantially as drawn up, by a vote of 105 to 28. It was thereupon transmitted to the Senate where it was also immediately passed.⁴²

This act provided that whenever before the next session of Congress the President should receive satisfactory evidence that the British Government would open the ports of its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda Islands to the vessels of the United States for an indefinite or a limited term on the basis of the British act of 1825, the President by his proclamation should open the ports of the United States indefinitely or for a fixed term, as the case might be, to British vessels coming from the said British possessions and their cargoes on the same terms as to American vessels and cargoes from the same ports. In addition, the American acts of 1818, 1820, and 1823 should thereupon be declared suspended or absolutely repealed as the case might require.⁴³

The President's message was greeted with the most extreme ridicule by the Opposition press. Not only had it thrown the House of Representatives into secret session; it had thrown "the nation into a fit of laughter" as well.⁴⁴ When the next packet, "the packet by which it was intended to be sent", arrived and no reply was received from the British Government, the air re-echoed with the accusations of hostile editors. The whole affair was characterized as a "ridiculous farce", a "humbug", a "hoax", "mere moonshine".⁴⁵ Under the heading "Presidential Humbuggery", the editor of the *Portland Advertiser* proclaimed that the message had turned out "to be a humbug which would make even a novice in politics laugh".⁴⁶ Another maintained that the new law was "as harmless as the poor man's will,—in which he bequeathed 'to

⁴² *Register of Debates*, VI, Pt. 2, 1137-1139.

⁴³ *Public Statutes at Large*, IV, 419, 420.

⁴⁴ *Daily National Journal*, June 15, 1830.

⁴⁵ *New England Palladium*, June 4, 1830. *Massachusetts Spy*, June 9, 1830. *New Hampshire Sentinel*, June 18, 1830. *Portsmouth Journal*, June 19, 1830. *Phenix Gazette*, June 4, 1830. *New York Commercial Advertiser* in *Phenix Gazette*, June 4, 1830. *Delaware Journal*, June 8, 1830, in *Daily National Intelligencer*, June 11, 1830. *Daily National Journal*, June 15, 1830.

⁴⁶ *Portland Advertiser*, June 8, 1830.

my beloved brother Jack, one thousand dollars', and, when it was wondered where the money was to come, coolly answered, 'it is my will he should have it, and if he wants it, he may go and get it' ".⁴⁷ Administration papers for the most part kept silent as the better part of valor, tho the *New York Evening Post* still obstinately maintained that there must be something back of the message.⁴⁸ The *Philadelphia Enquirer*, another Jackson paper, on the other hand, was of the opinion that McLane had gone quite far enough in "supplicating" the British Government to open the colonial trade, and that the honor of the country required that he should forbear further importunities on the subject. It confessed its unwillingness to see America "humbly laying her dignity at the foot of the British King".⁴⁹

Nevertheless, in spite of the wishes of such papers as the *Philadelphia Enquirer*, notification of the passage of the new law was forwarded to McLane with the hope that the law itself, "with the motives in which it originated", "added to the frank and liberal offer and explanations already made to the British Government on the part of the Executive Department" of the United States, would be regarded by Great Britain as affording sufficient ground for changing her position and for the adoption of a course of policy which might lead to the speedy and mutually advantageous revival of trade between the United States and the British West Indies. The law should be regarded, Van Buren wrote, as a direct conciliating step on the part of the United States, as emanating from its executive and legislative authorities combined, and as a solemn public movement on its part toward a friendly accommodation with the British Government upon terms of a fair and just reciprocity.⁵⁰ Altho he thus, so to speak, held out his conciliatory offering in one hand, nevertheless, in the other hand, as an instrument of the last resort, he held a club. In case the negotiation should eventuate unfavorably, he wrote, the President would consider it his duty to recommend to Congress an extension of the interdict then existing against British colonies to include likewise the possessions of Great Britain

⁴⁷ *Portsmouth Journal*, June 19, 1830.

⁴⁸ *New York Evening Post*, June 2, 1830.

⁴⁹ *Philadelphia Enquirer* in *Daily National Journal*, June 8, 1830.

⁵⁰ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 39.

in North America, and the adoption of proper measures for enforcing its rigid observance.⁵¹

Altho the American Secretary of State had sketched a double rôle for McLane to play, the latter chose to enact but one at a time, and in this case preferred to play the conciliatory rôle first. Immediately upon the receipt of Van Buren's note, he notified Lord Aberdeen of the passage of the new law "emanating from the frank and friendly spirit" uniformly professed by the President. He explained that the law conceded "in its terms all the power in the regulation of the colonial trade", and authorized "the President to confer on British vessels all those privileges as well in the circuitous as the direct voyage, which Great Britain" had "at any time demanded or desired". In addition he had "the honor also to inform Lord Aberdeen" that Congress had lately passed several other laws by which the duties on certain articles of the produce of the British West Indies and of Great Britain were materially decreased.⁵²

In view of the spirit manifested by the American Government during this negotiation, it is perhaps a matter of little wonder that the British Government finally decided to recede from its order in council, the more so since it was realized that the British North American colonies could still be protected against the competition of the United States, and because it was further realized that unless Great Britain did recede, those same British colonies in North America would probably feel the harsh effects of the American retaliatory system.

Consequently, after emphatically stressing its understanding of the fact that the United States had conceded all that Great Britain had ever desired, and that the American people had repudiated the stand taken by the preceding administration, the British Government prepared to accept the American propositions. In explanation of its change of front since 1827 when Gallatin had vainly offered to do practically all that McLane had done, the British Government drew a distinction between the two situations. Gallatin's proposals, it maintained, were all of them invitations to the British Government to pledge itself, hypothetically, to the revocation of the order

⁵¹ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 40.

⁵² *Ibid.*, 40, 41.

in council in the event of a repeal of those acts of the American Congress which had given occasion to it. The objections which had been urged at that time,⁵³ it was admitted, were no longer applicable to McLane's overture, because the American Congress had now provided by an act for the re-establishment of the American intercourse upon *certain* terms and conditions. The British Government, in this case, knew what the American Government *had done*, and had only to decide for itself whether it was prepared to adopt a corresponding measure for the same object.⁵⁴

The British Government, however, insisted upon certain definite interpretations of a few points in the American act of May, 1830, before it would commit itself. In the first place, it stated, it must be understood that American vessels would be admitted into British colonies only from the United States. They could not enter from any other foreign country. In the second place, American vessels would be allowed to import into the British colonies only produce of the United States. Goods might not be imported into the United States from foreign countries and then re-exported to the British colonies in American vessels. In the third place, vessels from the British colonies in North America must be placed on the same terms as ships coming from British colonies in the West Indies. The American act was silent upon this point. Finally, in spite of the provision in the American act that "the commercial intercourse of the United States with all other parts of the British dominions or possessions shall be left on a footing not less favorable to the United States than it now is", the British Government must be understood to reserve the right, which it also conceded to the United States, "to adopt, from time to time, such commercial regulations as either state may deem to be expedient for its own interests, consistently with the obligations of existing treaties".⁵⁵ Great Britain had at that time under consideration the expediency of introducing some modifications into the schedule of duties attached to the act of Parliament of 1825 with a view more effectually to support the interests of the British North American colonies. The British Government intended to provide the commercial interests of those colonies such protection by discriminating

⁵³ See above, p. 153.

⁵⁴ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 50.

⁵⁵ *Ibid.*, 51, 52.

duties as appeared consistent with the interests of other parts of the British dominions. This point, it emphasized, "should be distinctly understood on both sides, in order that no doubt should exist of the right of Great Britain to vary those duties from time to time, according to her own views of expediency, unfettered by any obligation, expressed or implied, towards the United States or any other country".⁵⁶ In other words, the American act must be interpreted to provide: first, that American vessels could enter the British colonies only direct from the United States, and could import articles only the produce of the United States; secondly, that British vessels from the British North American provinces were to share in the privileges offered by the United States to the British colonies in the West Indies; and thirdly, that Great Britain might still protect various parts of her dominions by discriminating duties against foreign vessels and produce. If, therefore, President Jackson should give effect to the act of Congress in conformity with these interpretations of its provisions, it was admitted that all difficulty on the part of Great Britain in the way of a renewal of the trade between the United States and the British West Indies would thereby be removed.⁵⁷

As McLane believed it had been the intention of Congress to conform its act to the known terms of the American proposition, and as he feared that any admission that the act did vary intentionally from the terms of the proposition he had made would entirely defeat any hope of recovering the colonial trade, he concurred in the interpretation of the American act which had been made by the British Government.⁵⁸ The way was therefore clear for the President's proclamation opening American ports to British vessels from the colonies.

McLane immediately dispatched a note to Washington, notifying the American Government of Great Britain's willingness to revoke her order in council. This message reached New York about the first of October, whereupon rumors at once appeared regarding the successful termination of the negotiation. The New York mail containing this dispatch arrived in Baltimore on Saturday, October 2, on the eve of the Maryland state election. A handbill was speedily issued by

⁵⁶ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, pp. 52, 53.

⁵⁷ *Ibid.*, 53.

⁵⁸ *Ibid.*, 44.

the Jackson central committee, announcing the "GLORIOUS NEWS" that the West India colonial ports had been opened to the trade of the United States. "These handbills were sent, by expresses, to several of the adjacent counties on Sunday morning, and exposed at all the public places."⁵⁹ When at length the mail reached Washington about ten o'clock Sunday morning, it was at once followed by an "extra" of the *United States Telegraph*, the Administration paper, dated "Sunday, October 3, 1830 noon". It proclaimed "Honor to the President of the people's choice", and explained that the West India trade which had been lost "by the blundering diplomacy of the coalition administration" had been restored "by the upright, able, and honest administration of Andrew Jackson". A large number of these extras appeared early Monday morning in Baltimore where they were posted at all the twelve different places at which the elections were then being held and were otherwise spread before the people.⁶⁰ Niles believed that they had very little effect upon the election, but the *Daily National Journal*, an Opposition paper of the capital, maintained that there was little doubt but that "by this artifice two hundred votes were gained for the Jackson ticket about Fell's Point".⁶¹

Before the official proclamation of the President appeared, it was steadfastly maintained by the Opposition press that the rumors and announcements were being circulated only for the effect which they would have on the Maryland election. It was predicted that after the elections were over the statement would be corrected.⁶² A similar rumor had been spread broadcast just prior to the Maine election with the result of carrying that state for Jackson, only to have it discovered after the election that the whole thing had again been a "contemptible hoax", a pure "humbug".⁶³

But these rumors and speculations were very quickly laid at rest by President Jackson who, having "adopted without reserve the construction given to the act of Congress by Lord

⁵⁹ Copied in *Niles' Register*, XXXIX, 110.

⁶⁰ *Ibid.*

⁶¹ *Daily National Journal*, Oct. 6, 1830.

⁶² *National Intelligencer*, Oct. 2, 1830.

⁶³ "Extra" of the *United States Telegraph* of about Aug. 30, quoted in *Niles' Register*, XXXIX, 108, 109. See also *Portsmouth Journal*, Aug. 21, 1830; *National Aegis*, Sept. 8, 1830; *National Gazette*, Aug. 30, 1830; *Phoenix Gazette*, Aug. 28, 1830; and many others.

Aberdeen and McLane",⁶⁴ issued his proclamation on October 5. In it he announced the admission to an entry in the ports of the United States of British vessels and their cargoes "from the islands, provinces, and colonies of Great Britain on or near the North American continent and north or east of the United States". He also declared the American acts of 1818, 1820, and 1823 absolutely repealed.⁶⁵ The same day a note was hurried on its way to the American minister in London, in order that the period during which the American ports would be open to British vessels from the colonies without a similar right to American vessels in the colonial ports might be closed as quickly as possible. In thus conceding a temporary advantage to British shipping by its prospective legislation, the United States, as Jackson later pointed out, pursued a course similar to that adopted by Great Britain in abolishing by her act of 1825 a restriction then existing and permitting American vessels to clear from her colonies on their return voyages for any foreign country whatever, before British vessels had been relieved from the restriction of returning directly from the United States to the colonies, a restriction which she required and expected the United States to abolish.⁶⁶

The appearance of the President's proclamation was followed by a flood of articles in the press commending or condemning the accomplishment of the Administration. On the one hand it was "hailed as the sign of a restoration of a good understanding between the two nations, an understanding which had unfortunately been interrupted by the manner in which the former negotiations were conducted".⁶⁷ It was proclaimed as "one of the most important acquisitions to the Commerce of the United States" which had taken place "these last twenty years", as "additional evidence of the good sense, patriotism, and wisdom of the Administration of Andrew Jackson".⁶⁸ McLane likewise came in for his share of the glory. It had been "no light responsibility for Mr. McLane to undertake a mission which his predecessor had failed to accomplish"; it was "no perishable honor to have succeeded where that able and veteran diplomatist, Mr. Gallatin,

⁶⁴ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, p. 54.

⁶⁵ Richardson, *Messages and Papers*, II, 497-499.

⁶⁶ *Ibid.*, II, 503, 504.

⁶⁷ *Philadelphia Gazette*, Oct. 5, 1830.

⁶⁸ *New York Courier and Enquirer in National Intelligencer*, Oct. 6, 1830.

failed".⁶⁹ But the negotiation had, in this instance, been carried on in a very different spirit; there had been "no diplomatic duplicity—no fine spun arguments about nothing—no chaffering about light money, nor quibbling about 'elsewhere'". The views of the negotiators had been "broad and national", with the result that the adjustment of the question had been achieved "on terms mutually advantageous, honorable and just".⁷⁰ A host of Administration papers concurred in this view.⁷¹

On the other hand, the Opposition papers, almost without exception, continued to condemn the whole affair, altho it was now necessary to stand on new ground, to attack it from a new angle. A year before, with their rumors of the "Wilmington Conspiracy", they had predicted that the Administration intended to gain the West India trade by sacrificing the American tariff. Some six months later they had adopted a different attitude and had laughed at the idea of obtaining any concessions from Great Britain, had stigmatized all rumors to that effect as frauds, hoaxes, dreams, or empty bubbles. But with the actual accomplishment practically in sight they were forced to adopt a new tack. And the Administration papers viewed with amusement "the writhings and contortions of the Opposition at the successful result" of the McLane negotiations.⁷²

Confronted suddenly with a need for new tactics, trivial points in the arrangement which appeared weak were first attacked. The Administration papers had at the outset gone on the assumption that the arrangement had probably been made by a treaty.⁷³ Upon the appearance of the President's proclamation, therefore, this point was speedily assailed. Parliament, by repealing or modifying the act of 1825, might, it was pointed out, at any moment "sit everything afloat again", a weakness against which Adams had been careful to

⁶⁹ *New York Post*, Oct. 6, 1830.

⁷⁰ *Ibid.*

⁷¹ *Philadelphia Gazette*, Oct. 5, 1830. *New York Evening Post*, Oct. 6, 1830. *Richmond Enquirer*, Oct. 8, 1830. *United States Telegraph*, Oct. 4, 1830. Also *Boston Daily Advertiser*, *Boston Evening Transcript*, *St. Louis Republican*, *Norfolk Herald*, *Norfolk Beacon*, quoted in *Richmond Enquirer*, Oct. 12, 1830. *Raleigh Register*, *New York Courier and Enquirer*, *Albany Argus*, quoted in *Richmond Enquirer*, Oct. 15, 1830. *New Jersey Emporium*, *Boston Statesman*, *Halifax (N.C.) Advocate*, quoted in *Richmond Enquirer*, Oct. 19, 1830.

⁷² *United States Telegraph*, Oct. 12, 1830.

⁷³ *Philadelphia Gazette*, Oct. 2, 1830. *New York Evening Post*, Oct. 1, 1830.

guard.⁷⁴ Complaints were likewise voiced against the temporary advantage which had been given to British shipping over that of the United States. British ships might freely come and go between the United States and the British colonies, but American vessels were still excluded from the British colonial ports, and would be excluded until the President's proclamation could be transmitted to London and the British revocation of the order in council forwarded to the colonial ports. Suppose Great Britain should change her mind after all! Why could not an arrangement have been made to open the American ports on and after January 1, 1831, provided the British West India ports were also open at that time?⁷⁵

Gradually, however, "heavier guns" were brought to bear upon the arrangement. The opening of the colonial ports had been accomplished, it was declared, by Jackson's submission to terms which Adams had rejected "as inconsistent with the dignity and interests" of the United States, terms of such "inequality" as "to give British ships undue advantages over those of the United States".⁷⁶ McLane, it was argued, had "been woefully *taken in*—outwitted in the *art diplomatique*, by the crafty managers in the British ministry".⁷⁷ This attack was repelled, however, by the convincing proof that the terms upon which Jackson's arrangement had been concluded were no others than those *twice* unsuccessfully proposed by Adams' administration itself.⁷⁸

In other quarters the value of the trade itself was attacked. Opposition editors maintained that its importance had been "overrated", that Americans would find themselves mistaken as to the benefits expected to result from it, that in fact it was a case of "*Great cry and little wool*".⁷⁹ Doubt was expressed whether any man in Massachusetts or Maine would

⁷⁴ *Daily National Journal*, Oct. 5, 1830. *New York Commercial Advertiser* in *National Intelligencer*, Oct. 6, 1830.

⁷⁵ *Daily National Journal*, Oct. 9, 1830. *National Intelligencer*, Nov. 17, 1830. *Eastport Sentinel*, Nov. 10, 1830, in *Portland Advertiser*, Nov. 16, 1830. *Hallowell (Me.) Advocate* in *Daily National Journal*, Dec. 11, 1830.

⁷⁶ *Daily National Journal*, Oct. 5, 1830. *National Intelligencer*, Oct. 6, 1830. *Steubenville (Ohio) Herald* in *Daily National Journal*, Dec. 10, 1830. *New York Commercial Advertiser* in *Niles' Register*, XXXIX, 109. *Massachusetts Spy*, Oct. 6, 1830. *Lynchburg Virginian* in *Richmond Enquirer*, Oct. 15, 1830.

⁷⁷ *Portland Advertiser*, Oct. 29, 1830.

⁷⁸ *Richmond Enquirer*, Oct. 26, 1830. *United States Telegraph*, Oct. 7, 1830, in *Niles' Register*, XXXIX, 121. *Baltimore Republican* in *Richmond Enquirer*, Oct. 22, 1830.

⁷⁹ *Phenix Gazette*, Oct. 5, 1830. *Essex Register*, Oct. 11, 1830. *Massachusetts Spy*, Oct. 6, 1830. *New York American*, *Baltimore Chronicle*, *Commercial Chronicle*, quoted in *Richmond Enquirer*, Oct. 12, 1830.

add ten dollars to his annual income in consequence of the vaunted "opening of the ports".⁸⁰ On the other hand, Administration editors pointed out that "every Administration, from Washington downwards had attempted to secure it", and that with Jackson's proclamation immediately "every article produced by the farmer for sale commenced rising in price".⁸¹

Repulsed in this direction, Opposition editors rallied and delivered what was probably their strongest possible attack, viz., that the trade—whatever value it might have—had never actually been lost, but had been carried on since 1826 by means of the indirect and circuitous route. This route, they affirmed, bestowed upon American shipping much greater benefits than could be hoped for from the new "reciprocity" of Jackson.⁸² In fact, great alarm was expressed lest by this new arrangement the British shipping would come to monopolize the trade between the United States and the British West Indies. It was explained that now the coveted triangular route—England to the United States, to the British West Indies, back to England—which had been so disastrous to American shipping interests following the commercial convention of 1815, was once more open to British vessels.⁸³ "No doubt", wrote one editor, "the British minister laughs in his sleeve at the cuteness of our negotiator, and thinks Jacksonism and reform a glorious thing for England. A few more such bargains and we may lay our shipping upon dry dock."⁸⁴

This view was certainly held by some papers within the British Empire. A New Brunswick paper, for example, believed that Americans would find that they had gained little by the change, that English West Indiamen, on their triangular voyages, would enjoy a large proportion of the carrying trade, so that American coasting trade would lose more than the direct trade to the British West Indies would gain.⁸⁵ Another paper from the same district, looking back at the situation

⁸⁰ *Boston Courier* in *Daily National Journal*, Oct. 13, 1830.

⁸¹ *Richmond Enquirer*, Oct. 26, 1830. *New Hampshire Patriot*, Nov. 22, 1830. *New York Evening Post* in *Richmond Enquirer*, Oct. 12, 1830.

⁸² *National Intelligencer*, Oct. 6, 1830. *Niles' Register*, XXXIX, 111. *Baltimore Chronicle* in *National Intelligencer*, Oct. 6, 1830. *New Haven Register*, in *National Intelligencer*, Oct. 13, 1830.

⁸³ *New England Palladium*, Oct. 8, 1830. *New York Daily Advertiser*, in *New York Evening Post*, Oct. 5, 1830.

⁸⁴ Quoted from a Baltimore paper, in *United States Telegraph*, Oct. 12, 1830.

⁸⁵ *St. Andrews Herald*, Oct. 26, 1830, in *Portland Advertiser*, Nov. 11, 1830.

a year later, concluded that it had been the object of the British Government "plainly and avowedly to force the trade from American hands, into those of British ship-owners—to continue and impose such additional duties on the direct carriage to the West Indies, as will be prohibitory—and, moreover, to obtain a market for their West India produce, which they did not before possess".⁸⁶ The *Jamaica Royal Gazette* facetiously observed:

In the liberal spirit of free trade reciprocity, the American Government are resolved to outvie ours—We only allow their vessels to bring to our ports the produce and manufactures of the United States—they make their ports free to our commerce in every sense of the word.⁸⁷

A similar viewpoint was revealed in the *London Morning Herald* which boasted "that brother Jonathan had been, for once, overreached by Father Bull".⁸⁸

In the midst of this discussion regarding the merits or defects of Jackson's arrangement, the President's proclamation finally reached McLane in London, and was at once communicated to Lord Aberdeen.⁸⁹ Within two days a British order in council of November 5, 1830, revoked the previous order of July, 1826, and opened the British possessions abroad to American vessels. The latter were permitted to import into the British possessions abroad any goods, with a few exceptions, the produce of the United States; they were permitted to export goods from those possessions, to any foreign country whatever.⁹⁰ In other words, American vessels of all descriptions were now free to enter the British West Indies with their cargoes of American produce. In those colonial ports they would receive the same treatment, in regard to all tonnage and import duties, as was accorded to British vessels and their cargoes of American goods coming from the United States. Having disposed of their cargoes, American vessels were free to export goods the produce of the British West Indies, and to depart with them to any country in the world, British possessions alone excepted. These were the privileges gained for American merchants by the so-called "Reciprocity of 1830".

⁸⁶ Quoted in Pitkin, *Statistical View of Commerce of U.S.*, 205.

⁸⁷ In *Niles' Register*, XL, 47.

⁸⁸ Quoted in Pitkin, *Statistical View of Commerce of U.S.*, 205.

⁸⁹ *Senate Docs.*, 21 Cong., 2 Sess., I, No. 20, 57-59.

⁹⁰ *Ibid.*, 60, 61.

In spite of these extensive privileges, however, Jackson's arrangement, in connection with subsequent changes in the British system of colonial duties, was in some respects detrimental to American shipping interests. Lord Aberdeen's emphasis upon the fact that Great Britain reserved to herself, and intended to use, her right to impose discriminating duties in her colonies in favor of the products of her own dominions has been pointed out.⁹¹ Almost immediately after the conclusion of the "Reciprocity of 1830", a bill was introduced in the House of Commons for that purpose.⁹² This bill appeared designed not only to protect the products of the British North American provinces, but to force an indirect trade to the British West Indies thru them. This was quickly realized by McLane who perceived "with pain and surprise" that the new regulations were "repugnant to the fair and liberal spirit" of the arrangement which had just been made. It appeared to him calculated "virtually to revive by a scale of discriminating duties, in lieu of a positive interdiction the same system of restricted and indirect trade which each Government, by the arrangement recently concluded, professed to abolish".⁹³ Nevertheless, the British Government, believing that so long as the United States was placed on the same footing as all other nations, it had no just grounds of complaint, proceeded to pass a bill which, modified, was perhaps "less unfavorable" to American interests than that originally proposed.⁹⁴

By this act, duties on certain commodities imported into the British West Indies from foreign countries, either in British or foreign vessels, were increased in order to protect similar products of the British colonies in North America.⁹⁵ Many other articles of prime necessity to the British West India colonists were admitted in the direct trade duty free.⁹⁶ On all other articles, the duties remained as they were in the British act of 1825. On the other hand, no duty whatsoever was levied on the importation of American produce into the British North American provinces.⁹⁷ This regulation

⁹¹ See above, pp. 177, 178.

⁹² *Hansard's Parliamentary Debates* (3d series), I, 299-315, 471-485. *Senate Docs.*, 22 Cong., 1 Sess., III, No. 118, p. 5.

⁹³ *Ibid.*, 10.

⁹⁴ *Ibid.*, 24, 25.

⁹⁵ White or yellow pine, staves, and headings.

⁹⁶ Bread and biscuit, flour or meal not of wheat, peas, beans, rye, oats, barley, Indian corn, rice, and live stock.

⁹⁷ *Résumé of the terms in Senate Docs.*, 22 Cong., 1 Sess., III, No. 118, p. 24.

was of course intended to encourage the indirect trade to England and the British West Indies thru those provinces. The situation was undoubtedly favorable to the *growers* of produce in the United States since they could supply their products not merely for consumption in the Northern colonies, but for the whole export trade of those colonies to England and elsewhere. But for American *shipping interests* it was a blow, since the favorable terms upon which American products could be exported to England or the British West Indies by way of the Northern colonies drew many of them thru that route. The freights from the United States to the British North American ports were shared by both American and British vessels, but the freights from the British colonial ports in North America to England or the British West Indies, on the contrary, were monopolized by British shipping.

For this reason, as well as for reopening to British shipping, the old triangular commercial route which has already been described, Jackson's "Reciprocity of 1830" was attacked at that time and has been attacked since. Both senators from Maine raised their voices against the "arrangement", one going even so far as to introduce a resolution declaring that it gave to British vessels an advantage in transporting articles to the British West Indies greater than was secured to American vessels, and therefore violated the "principle of reciprocity in navigation" which the United States had formerly "sedulously and firmly endeavored to maintain".⁹⁸ Webster in a speech in Faneuil Hall a decade later assailed the arrangement for being "unfavorable to the shipping interests of the United States and especially so to the New England States".⁹⁹ Writers on American Navigation have denounced it as a blow at the American merchant marine.¹⁰⁰

And yet all must admit that the terms upon which Jackson concluded his "Reciprocity of 1830" were most liberal and perfectly reciprocal. Whatever advantages British shipping reaped following the arrangement were due not to the arrangement itself but to the advantages which Great Britain held in the geographical location of her colonies and in her right to impose discriminating duties to protect the products

⁹⁸ *Register of Debates*, VIII, Pt. 1, 9-12, 328, 329, 685-706, 740-761, 939.

⁹⁹ *Works of Daniel Webster*, II, 123.

¹⁰⁰ Pitkin, *Statistical View of Commerce of U.S.*, 203, 205, 206. Marvin, *The American Merchant Marine*, 183. Bates, *American Navigation*, 276.

of those colonies against foreign competition. Against the former it was useless for the United States to protest; against the latter it had no legal right to protest. For four years Adams had vainly striven to force Great Britain to surrender these advantages in respect to the United States and had eventually completely failed in his effort. Jackson had faced the situation as it was, had sought to secure all that might reasonably be expected, and had eventually gained all that he had sought.

A comparison of the terms of Jackson's "Reciprocity of 1830" with the claims and counterclaims previously advanced by the two governments makes it quite clear that the final arrangement was in the nature of a compromise. Great Britain had at first stipulated that all commerce between the United States and her colonies in the West Indies must be carried on in British vessels only; she now admitted it in either British or American vessels. She had for years limited to a very small enumerated list of articles the imports from the United States to her West India colonies and the exports from the latter to the United States; she now admitted into those colonies practically anything the growth or manufacture of the United States, and permitted the export from them of anything of their produce. Having finally admitted American vessels to her colonies in the West Indies, she had at first sought to prevent them from becoming the carriers of her colonial produce to other countries by ruling that they must return directly to the United States; she now permitted American vessels to clear with cargoes from the British West Indies for any foreign country in the world.

On the other hand, the United States had sought to restrict the right of British vessels to export American goods to the British West Indies to those ships only which had entered American ports from those islands; it now permitted British vessels to export cargoes from the United States to the British West Indies regardless of whence they had entered American ports. It had long claimed that its products, when imported into the British colonies in the West Indies, should be subject to no higher duties than those levied upon goods from other parts of the British Empire; it now expressly conceded to Great Britain the right to lay discriminating duties upon foreign products in order to protect her own. It had also

long insisted that any arrangement in regard to the trade between the United States and the British West Indies must be embodied in a treaty or convention; it now submitted to Great Britain's preference for an adjustment by mutual legislation.

Obviously each country had surrendered certain points upon which it had once insisted. Broad-minded common sense on each side of the Atlantic had at length prevailed to remove a disagreement which had been an irritating source of suspicion and jealousy between the two countries for almost a half-century.

Bibliography

THE structure of this study rests for its foundation upon printed documents, chief of which are the official publications of the United States Government. The diplomatic correspondence of the period, which reveals the official attitude of the United States and Great Britain toward the questions which arose in regard to the British West Indies, is found in *The American State Papers, Foreign Relations 1789-1828*. Further correspondence dealing with this question is found in *Senate Documents*, 21 Congress, 2 Session, Number 20, and in *Senate Documents*, 22 Congress, 1 Session, Numbers 118 and 132. The results of this diplomacy in the shape of treaties and conventions may be found in the standard compilation, William M. Molloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and other Powers, 1776-1909*.

For a clear understanding of the motives back of the national legislation of the two countries in regard to the British West India trade, the debates both in the American Congress and the British Parliament are indispensable. In the speeches delivered at the time of the enactment of the various laws may be discovered the national, sectional, or partisan spirit which influenced the final action of the respective governments. The debates in Congress until 1824 are found in what is commonly referred to as the *Annals of Congress*. Altho these are not contemporaneous records of the debates of the period reported verbatim, they are generally recognized as authentic and acceptable reports of the proceedings. Beginning December 6, 1824, and continuing thru the period covered by this essay, the debates are found in the *Register of Debates in Congress*, sometimes referred to as *Congressional Debates*. In this case the debates were reported contemporaneously. A convenient collection compiled from the *Annals of Congress* and the *Register of Debates* is Thomas Hart Benton, *Abridgement of the Debates of Congress from 1789 to 1856*. Full reports of the speeches in both Houses of Parliament are found in *Hansard's Parliamentary Debates (2d series)*. The texts of the laws passed by the United States Government are found in Richard Peters, *The Public Statutes*

at Large of the United States of America; those of the British Government bearing upon the questions at issue are found in the volumes containing the diplomatic correspondence referred to above.

Additional authoritative material is found in James D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789-1902*, and in *A Compilation of Reports of Committee on Foreign Relations of the United States Senate, 1789-1901*. The actual effects upon American commerce and shipping of the different treaties and commercial regulations of the two countries during the period under discussion are discovered in the official tables of commerce and navigation compiled for Congress. For the period from 1789 to 1823, these are found in *The American State Papers, Commerce and Navigation*; for the period following 1823, they are found in various House Documents published under the title *State Papers* until 1830, after that under the title *Executive Documents*.

For filling the interstices which remain as a result of the use of printed documents only, the most valuable material is found in the writings, memoirs, and reminiscences of the men who played prominent parts in shaping the events with which this essay deals. By far the most indispensable for this purpose are the *Memoirs of John Quincy Adams* which comprise portions of his diary, and the *Writings of John Quincy Adams*. From 1817 to 1829 Adams shaped the foreign policy of the United States, first as Secretary of State, later as President. Because of the important rôle played by him during this period and because of his full notes and keen analysis of men and events, these volumes are extremely valuable. Two other men who were prominent in the events here enumerated were Albert Gallatin and Rufus King. *The Writings of Albert Gallatin* and *The Life and Correspondence of Rufus King* therefore furnish considerable additional information upon this subject. For the introductory chapter, *The Works of John Adams*, the first American minister to Great Britain, throw light on the early attitude of the British toward the United States.

Useful but not so indispensable are the *Works of Henry Clay*, Secretary of State under Adams; *The Diary of James Gallatin*, Secretary to Albert Gallatin during the negotiations

in which the latter engaged; *The Correspondence and Public Papers of John Jay*, the negotiator of the Jay Treaty; *Memo-randa of a Residence at the Court of London*, by Richard Rush, minister to Great Britain during part of the period of negotiations; and *Thirty Years' View*, by Thomas Hart Benton, an active opponent of Adams in Congress.

Contemporary writings other than those cited also occasionally contribute to a fuller understanding of the subject. The early attitude in England toward the new American Republic is reflected in Lord Sheffield's *Observations on the Commerce of the American States*. Opposition to the extension to American shipping of any rights in the British West India trade can be traced in such works as S. Atkinson, *The Effects of the new system of free trade upon the shipping*; John McGregor, *British America*; and *Two Letters in reply to the Speech of the Right Hon. W. Huskisson*, over the signature "Mercator". *The Political Life of the Right Honourable George Canning*, by Augustus Granville Stapleton, Canning's secretary, also serves to illuminate the events in which Canning played such a prominent rôle.

Of contemporary writings of Americans, L. W. Tazewell's *A Review of the Negotiations between the United States of America and Great Britain* reflects the Southern, anti-Adams viewpoint; while Timothy Pitkin's *A Statistical View of the Commerce of the United States of America* reflects the attitude of the New England shipping and commercial interests. Samuel Perkins, *Historical Sketches of the United States from the Peace of 1815 to 1830* gives a contemporary interpretation of the history of the United States for the years under discussion. American diplomacy during the period covered by the first chapter is described and evaluated in Theodore Lyman's *Diplomacy of the United States*, covering the period from 1778 to 1814.

For widespread current public opinion during the period covered by this study, newspapers are the chief source. The editorial comments of early American newspapers, precious files of which are found in the library of the American Anti-quarian Society, throw a never-failing flood of light upon the feelings and opinions of the various groups in the United States as the different events of the period transpired. Especially valuable are the files of British West India newspapers

as a means to discover the effects upon those islands of the various laws passed by the American or British Governments, and the reaction of the British West India colonists thereto. Footnotes reveal the great extent to which this type of material has contributed to fill in the structure of this study, over forty per cent of the citations having been to current newspapers. A list of the papers which are cited, together with place of publication, is included at the end of this bibliography.

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Index

- Aberdeen, Lord, negotiations (1829-30) with McLane, 167, 176, 184, 185.
- Adams, H., estimate of Gallatin's task (1826), 127.
- Adams, J., first minister to Great Britain, 10; attempts to settle B.W.I. trade question, 11; recommends retaliatory legislation, 11; believes Cong. should be supreme in commercial matters, 12.
- Adams, J. Q., 26, 68, 69, 107, 114, 139, 181, 182; advocates retaliation, 37; negotiations with Castlereagh (1816-17), 40-41, 47-49; instructions to Rush, 62; drafts proclamation (1822), 87-88; negotiations with S. Canning, 90-94, 97-98; influence on Am. legislation (1823), 94-97; favors diplomacy rather than legislation, 113; responsibility for Am. policy, 119-120; attitude toward Brit. order in council (1826), 126; views of, on B.W.I. trade situation (1826), 132-133; attacked by Jacksonian opposition, 135, 141-142, 145, 157-162; submits B.W.I. trade question to Cong., 136-137; issues proclamation (1827), 143-144; influence of B.W.I. trade question on defeat of (1828), 163.
- Am. Navigation Act (1817), 46-47.
- Am. Navigation Act (1818), events leading to, 50-52; reception in U.S., 52-53; provisions, 53; effects of, 64-68.
- Am. Navigation Act (1820), reasons for, 68; enactment, 69-70; provisions, 70; effects, 71-75; demand in U.S. for repeal of, 76-78; attitude of Am. shipping interests toward, 78-80; relation to Brit. legislation (1822), 85-86.
- Am. Navigation Act (1830), suggested by McLane, 172-173; recommended by Jackson, 173; enacted, 173-174; provisions, 174; reception in U.S., 174-175; communicated to Brit. Govt., 175-176; interpretation of, by Brit. Govt., 176-177.
- American Revolution, effect of, on B.W.I. trade, 7-8.
- Anguilla, need for supplies in (1827), 155.
- Antigua, memorial to Brit. Govt., 30; table of prices in, 73; demand for admission of Am. ships, 75.
- Article XII of Jay Treaty, 17-18; possible effect of, 18; failure of ratification by Senate, 18-19.
- Bahama Islands, 24, 156, 174; need for Am. goods in, 20; and Am. Navigation Act (1820), 69-70; and Monroe's proclamation (1822), 88.
- Baltimore, 81, 178; opposes Am. Navigation Act (1820), 78-80; memorial to Cong., 115; elections in, 179.
- Barbados, opposition to U.S. in, 31; free warehousing port established in, 108.
- Barbour, P. P., advocates Am. Navigation Act (1818), 51; advocates Am. Navigation Act (1820), 70.
- Basseterre, St. Christopher, 93.
- Bathurst, H., Lord, orders exclusion of Am. ships from B.W.I., 29.
- Benton, T. H., 96.
- Bermuda, made entrepôt, 27; seizure of Am. ship at, 31-32; and negotiations (1817-18), 48, 56, 59, 61, 63; used to evade Am. Navigation Act (1818), 64-65; and Am. Navigation Act (1820), 69-70, 72-74; and Monroe's proclamation (1822), 88; opposition to U.S. in, 151; and Am. Navigation Act (1830), 174.
- Boston, supports policy of Am. retaliation, 79.
- Bridgetown, Barbados, 108.
- Brit. Colonial Trade acts (1825), influences leading to enactment, 103-107; provisions, 107-109; criticism of, 108-109; confusion regarding, 110; Clay's interpretation of 110-111.
- Brit. West India carrying-trade, before Am. Revolution, 7; effect of Am. Revolution on, 8; during Anglo-French wars (1793-1815), 19-28; after Peace of Ghent, 29-32; after commercial convention

- (1815), 33-37; after Am. Navigation Act (1818), 64-68; after Am. Navigation Act (1820), 71-73; after Brit. legislation (1822), 103-104; after Brit. order in council (1826), 154-157; after "Reciprocity of 1830", 186.
- Caicos Islands, and Am. Navigation Act (1820), 70; and Am. Navigation Act (1830), 174.
- Calhoun, J. C., consulted regarding Monroe's proclamation (1822), 87.
- Cambreling, C. C., resolution regarding Am. legislation (1823), 117; connection with "Wilmington Conspiracy", 164; chairman of Com. on Commerce, 173.
- Canada, and negotiations (1818), 49; trade to B.W.I. *via*, 157.
- Canning, G., 135, 138, 153; letter regarding Am. retaliation, 85; reasons for Brit. acts (1825), 106-107, 121; interpretation of Brit. acts (1825), 109-110; negotiations with Gallatin, 128-132, 146-148; becomes Prime Minister, 152; influence in presidential campaign (1828) of his refusal to negotiate, 162.
- Canning, S., complaints against Monroe's proclamation (1822), 89-90; negotiations with J. Q. Adams, 90-94, 97-98; comment on Am. legislation (1823), 96-97; and negotiations (1824), 101-103.
- Cape Breton, and Am. Navigation Act (1820), 70; and proposed Am. legislation (1826-27), 137.
- Castlereagh, Lord, negotiations with J. Q. Adams (1816), 40-41; negotiations with J. Q. Adams and Rush (1817-18), 47-50; advocates liberal commercial policy, 54; negotiations with Gallatin and Rush (1818), 55-59, 63-64; comment on Am. Navigation Act (1820), 71; attitude toward U.S., 130.
- Castries, St. Lucia, opened to receive Am. goods, 68.
- Charleston, petition from, 14; meeting to consider commercial situation, 78.
- Clay, H., 120, 133, 134, 147, 165; view of Brit. acts (1825), 110-114; favors diplomacy rather than legislation (1825), 113; reason to account for failure of Cong. to legislate (1826), 117; delays instructions to R. King, 118; decides U.S. should make concessions, 118; instructions to Gallatin, 118-119; attacked by Jacksonian opposition, 135; view regarding Adams' proclamation (1827), 144; authorizes acquiescence in Brit. decision, 149.
- Colleton, S. C., meeting to consider commercial situation, 78.
- Colonial Trade bill (1822), influence of B.W.I. petitions on enactment, 82-83; introduced by Robinson, 82; opposed by Brit. ship-owners, 83.
- Commercial convention (1815), failure to include B.W.I. trade, 32; criticism of, in U.S., 33; effect on Am. carrying-trade, 33-37; resultant demand in U.S. for countervailing legislation, 37-38, 43-45.
- Commercial convention (1818), negotiations leading to, 54-58; failure to include B.W.I. trade, 59; comment in U.S., 59-60; comment in Brit. North Am., 60.
- Congress, legislation relating to B. W.I. trade (1790), 13; (1807), 25; (1813), 27-28; (1817), 43-47; (1818), 50-53; (1820), 68-70; (1823), 94-97; (1827), 136-141; (1830), 173-174.
- Connecticut, governor's message refers to commercial situation, 42.
- Crawford, W. H., consulted regarding Am. Navigation Act (1820), 69.
- Crowinshield, J., urges retaliatory legislation, 23.
- Cuba, entrepôt in B.W.I. trade, 72, 156.
- Danish West Indies, entrepôts in B.W.I. trade, 67, 71, 155, 156.
- Deane, S., advises Lord Sheffield of Am. commercial dependence on Great Britain, 9.
- Demerara, hostility in, toward Am. commercial interests, 30.
- Denmark, 104.
- Diplomacy, attempts to secure access to B.W.I. carrying-trade through, (1783), 8; (1786), 11; (1794), 15-19; (1802), 21-22; (1806), 23-25; (1815), 32; (1816), 40-41; (1817), 47-50; (1818-19), 54-64; (1823), 100-103; (1826-27), 118-119, 127-132, 146-154; (1829-30), 163-168, 171-173, 176-178, 184-186.
- Dominica, urges opening of ports to Am. ships, 30.

- Dudley, Lord, negotiations with Gallatin, 152-153.
- Dutch West Indies, entrepôts in B. W.I. trade, 71.
- Edenton, N.C., meeting to consider commercial situation, 78.
- "Elsewhere", inserted in Am. act (1823), 95; meaning, 95, 97; dispute over, 96; S. Canning's criticism of, 96-98; J. Q. Adams accused of originating, 160.
- Embargo Act (1807), connection with B.W.I. trade, 25.
- Fayetteville, N.C., meeting to consider commercial situation, 78.
- Financial crisis in England (1825), 123; influence on Brit. commercial legislation, 123-124.
- Fredericksburg, Va., meeting to consider commercial situation, 78.
- French West Indies, entrepôts in B.W.I. trade, 155-157.
- Gallatin, A., assists Rush to negotiate commercial convention (1818), 55-59; succeeds R. King as minister to Great Britain, 118; instructions from Clay, 118-119; attempts to re-open B.W.I. trade question (1826-27), 127-135, 146-153; quoted by Van Buren, 165.
- Georgia, agriculture affected by Am. navigation acts, 76; opposition to Am. navigation acts, 78.
- Ghent, Peace of, Brit. commercial system in force at time of, 29; change in spirit of Brit. commercial system following, 29-32.
- Goderich, Lord, succeeds G. Canning as Prime Minister, 152; Gallatin's attitude toward, 152; also *see* Robinson, F. J.
- Grenada, petition for removal of Brit. commercial restrictions, 75.
- Grenville, Lord, negotiates with Jay, 16-18; opposes including B. W.I. trade in commercial convention (1806), 25.
- Guadaloupe, entrepôt in B.W.I. trade, 155.
- Halifax, made a free port (1818), 66; favors Brit. restrictive commercial system (1822), 75-76; included in Monroe's proclamation (1822), 88; made a free warehousing port (1825), 108; question regarding admission of Am. ships to, 114-115; enjoys increased trade with B.W.I., 169.
- Hamilton, A., favors resort to diplomacy (1794), 15; assists in drafting Jay's instructions, 15-16; contrast with R. King in attitude toward B.W.I. trade, 21.
- Hamilton, Bermuda, open to Am. ships, 88.
- Hanse Towns, 104.
- Hartford, Conn., demands retaliation against Great Britain, 44.
- Hawkesbury, Lord, negotiates with R. King (1802-3), 21-22.
- High Court of Admiralty, interpretation of Brit. Colonial Trade act, 110.
- Huskisson, W., gives reason for enactment of Colonial Trade bill (1822), 85; criticism of interpretation of "elsewhere" in Am. act (1823), 95-96; participates in negotiations (1824), 101-103; attitude toward B.W.I. trade, 106, 152; speech in Parlia., 122; attacked because of his liberal commercial system, 124; Gallatin's estimate of, 130; congratulated on Brit. order in council (1826), 150-151; negotiations with Gallatin, 152-153.
- Jackson, A., relation of B.W.I. trade question to election of, 157-163; decides to regain B.W.I. trade, 163; part of, in instructions to McLane, 164-167; letter to Van Buren, 170-171; message to Cong., 173; reception of message of, by opposition, 174-175; opens Am. ports to Brit. ships, 179-180; opinions in the press regarding proclamation of, 180-183; criticism of his "Reciprocity of 1830", 186-188.
- Jamaica, declares need for trade with U.S., 10; opens ports to Am. ships, 20; and Embargo Act (1807), 25; memorial regarding evils due to Am. Navigation Act (1818), 67; petitions for admission of Am. ships to, 74; free warehousing port established in, 108; opinion in, hostile to U.S., 151; comment in, on "Reciprocity of 1830", 184.
- Jay, J., 12; envoy extraordinary to Great Britain (1794), 15; instructions to, 15-16; negotiates treaty, 16-18; consulted regarding further negotiations, 19.
- Jay Treaty, relation to B.W.I. trade, 15-18; negotiations leading to, 16-18; reception in U.S., 18-19; ratification without Article XII, 19; failure to gain

- admission of Am. ships to B.W.I., 19; Madison's speech on, 33.
- Jefferson, T., report regarding B. W.I. trade, 14-15; nominates Monroe and Pinkney to negotiate (1806), 23-24; withholds treaty from Senate, 24.
- King, C., demands retaliation against Great Britain, 38; introduces resolution in Cong., 38-40; J. Q. Adams favors recommendation of, 41.
- King, R., minister to Great Britain, 21; negotiates with Lord Hawkesbury, 21-22; urged to protect Am. navigation, 38; introduces resolution, 39-40; advocates Am. Navigation Act (1818), 51; chief advocate of Am. Navigation Act (1820), 69; chairman of Senate Com. on For. Relations, 80; introduces bill, 81; praised for part in Am. campaign of retaliation, 86; consulted regarding Monroe's proclamation (1822), 87; believes in principle embodied in "elsewhere" in Am. act (1823), 95; replaces Rush as minister to Great Britain, 113; Clay fails to send instructions to, 118.
- Kingston, Jamaica, memorial of merchants, 22; made a free warehousing port, 108.
- Kingston, Ontario, made a free warehousing port, 154.
- Liverpool, report of Am. consul at, 64; entrepôt in B.W.I. trade, 72.
- Liverpool, Lord, 152.
- Lloyd, Senator, presents memorial from Baltimore, 80; introduces resolution, 80.
- London, opposition of ship-owners of, to liberalization of Brit. commercial system, 83.
- Louisiana, 69, 70, 92.
- Lower Canada, and Am. Navigation Act (1820), 70; opened to Am. ships by Brit. Colonial Trade act (1822), 87; and Monroe's proclamation (1822), 87-88; and proposed Am. legislation (1827), 137.
- Lyman, T., criticism of proposed commercial convention (1806), 24.
- Madison, J., advocates commercial retaliation, 13, 23; instructs R. King to negotiate regarding B. W.I. trade, 21; recommends to Cong. retaliatory legislation, 27; speech on Jay Treaty, 33; expects demands for retaliatory legislation, 37; fails to demand retaliation, 42; criticized by shipping interests, 43.
- Maine, influence of B.W.I. trade on election in, 179; "Reciprocity of 1830" attacked by Senator from, 186.
- Martinique, entrepôt in B.W.I. trade, 155.
- Maryland, agriculture in, affected by Am. Navigation acts (1818, 1820), 76; election in, affected by "Reciprocity of 1830", 178-179.
- Maxwell, Governor, refuses to open ports of Dominica to Am. ships, 30.
- McLane, L., minister to Great Britain, 163; writes own instructions regarding B.W.I. trade, 164-165; instructions to, 165-167; negotiates with Lord Aberdeen, 167-168, 171-173, 175-178, 184; praised for "Reciprocity of 1830", 180-181.
- Memorials and petitions regarding B.W.I. trade, in U.S., 14, 38, 43, 44, 77, 78, 79, 115; in Brit. West Indies, 10, 20, 30, 67, 68, 69, 74, 75, 82; in Brit. North Am., 75, 76, 169.
- Monroe, J., minister to Great Britain, 23; negotiates regarding B.W.I. trade, 23-24; message to Cong. (1817), 50; reluctantly signed Am. Navigation Act (1818), 53; recommends further retaliation (1819), 68-69; issues proclamation (1822), 87-89; criticized by newspapers, 89; criticized by S. Canning, 89-90.
- Monroe Doctrine, G. Canning's attitude toward, 106-107.
- Montreal, made free warehousing port, 154; opposes lowering restrictions against Am. ships, 169.
- Morris, G., instructed to negotiate regarding B.W.I. trade, 14.
- Nelson, Lord, suggests enforcement of Brit. navigation acts against Am. ships in B.W.I. trade, 8.
- Nevis, opens ports to receive Am. ships, 68.
- New Brunswick, Am. ship-builders seek work in, 36; and negotiations (1818-19), 56-59, 62-64; and report of Senate Com. on For. Relations, 61; and Brit. free port act (1818), 65-66; and

- Am. Navigation Act (1820), 69-70; and Monroe's proclamation (1822), 87-88; free warehousing port established in, 108; and proposed Am. legislation (1827), 137; opposes Brit. concessions to Am. ships, 169; views of editors of, toward "Reciprocity of 1830", 183-184.
- Newfoundland, and Am. Navigation Act (1820), 69-70; and Monroe's proclamation (1822), 87-88; and Brit. Colonial Trade acts (1825), 107-109.
- New Hampshire, editor in, approves Am. Navigation Act (1818), 52.
- New Jersey, Senator from, votes against Am. Navigation Act (1818), 52; Senator from, votes against Am. Navigation Act (1820), 70.
- Newport, R.I., town meeting urges retaliatory legislation, 44.
- New Providence, petitions to be made a depot for trade with U.S., 68.
- Newton, Congressman, chairman of Com. on Commerce, 70; remains firm for continuance of retaliatory legislation, 80-81.
- New York (city), meeting to consider commercial retaliation, 44; chamber of commerce of, favors continuance of retaliatory legislation, 79.
- New York (state), grants Cong. power to prohibit commerce (1785), 12.
- Norfolk, Va., discontented with commercial convention (1818), 59; opposed to Am. Navigation Act (1820), 71; decline in commerce of, 77; demands repeal of Am. navigation acts, 77; opinion in, toward rumored concessions from Great Britain, 81; criticism of Monroe's proclamation (1822), 89.
- North Carolina, agriculture and lumber of, affected by Am. Navigation acts, 26; meetings in, to urge repeal of Am. navigation acts, 78.
- Nova Scotia, Am. ship-carpenters seek work in, 36; and negotiations leading to commercial convention (1818), 56, 59; and report of Senate Com. on For. Rel., 61; and negotiations (1819), 62; and Brit. free port act (1818), 65-66; and Am. Navigation Act (1820), 69-70; and Monroe's proclamation (1822), 87-88; free warehousing port established in, 108; and proposed Am. legislation (1827), 137; desires continued exclusion of Am. ships from B.W.I., 169.
- Orders in council relating to B. W.I. trade, (1783), 10; (1815), 29; (1818), 66; (1826), 119, 121; (1830), 184.
- Panama Congress, G. Canning disturbed by, 107.
- Parliament, acts of, regarding B. W.I. carrying-trade, (1805), 23; (1818), 65-67; West Indian and Am. Trade Bill (1822), 82-85; Colonial Trade Bill (1822), 82; (1825), 107-110; (1827), 154; (1830), 185-186.
- Pennsylvania, favors giving Cong. greater power over commerce, 12-13.
- Petersburg, Va., meeting to consider repeal of Am. navigation acts, 78.
- Petitions and memorials regarding B.W.I. trade, *see* Memorials.
- Philadelphia, memorial from merchants and traders of, 12.
- Pinkney, W., negotiates regarding B.W.I. trade, 23-24.
- Pitt, W., introduces bill to admit Am. ships into B.W.I., 8-9; ministry of, falls, 10.
- Portland, Me., 91.
- Portsmouth, N.H., petition urging retaliatory legislation, 14; meeting urges retaliatory legislation, 44; defends Am. navigation acts, 79.
- Prussia, 104.
- Quebec, made a free warehousing port, 108.
- Randolph, E., criticizes Article XII of Jay Treaty, 17.
- "Reciprocity of 1830", negotiations leading to, 165-168, 171-173, 175-178; reception of, in U.S., 180-184; privileges gained by, 184; criticism of, 185-188.
- Rhode Island, governor's message refers to crisis in Am. navigation, 42.
- Richmond, Va., criticized Am. Navigation Act (1820), 71; meeting considers demand for repeal of Am. retaliatory legislation, 78.
- Robinson, F. J., introduces bill in Parlia., regarding B.W.I. trade,

- 82; Gallatin's opinion of, 130; also *see* Goderich, Lord.
- Rush, R., succeeds J. Q. Adams as minister to Great Britain, 49; concludes discussion with Castle-reagh regarding B.W.I. trade, 49; instructed to propose new negotiation, 54; negotiates (1818-19), 55-59, 61-64; negotiates (1823), 100-103; succeeded by R. King, 113.
- St. Bartholomew's, distress in B. W.I. according to writer in, 26-27; entrepôt in B.W.I. trade, 30, 155.
- St. Christopher, ports opened by necessity to Am. ships, 68, 155; comment in, on condition of B. W.I. trade, 72; decline in property values in, 74; complaint of legislature of, over distress in, 74.
- St. Eustatia, entrepôt in B.W.I. trade, 155.
- St. George, Bermuda, open to Am. ships, 88.
- St. John, and proposed Am. legislation (1827), 137.
- St. Johns, N.B., made a free port, 66; and Am. Navigation Act (1820), 70; chamber of commerce of, favors Brit. restrictive system, 76; and Monroe's proclamation (1822), 88; made a free warehousing port, 108; increase in trade of, 169.
- St. Lucia, ports opened by necessity to Am. ships, 68.
- St. Thomas, entrepôt in B.W.I. trade, 155.
- St. Vincent, demands admission of Am. ships, 75.
- Salem, Mass., approved Am. Navigation Act (1818), 52; merchants and ship-owners of, defend retaliatory legislation, 79.
- Santiago, Cuba, entrepôt in B.W.I. trade, 155.
- Savannah, Ga., meeting to consider repeal of Am. retaliatory legislation, 78.
- Sectionalism, in Brit. Empire, 74-76; in U.S., 76-80.
- Sheffield, Lord, publishes pamphlet urging exclusion of Am. ships from B.W.I., 9-10.
- Shelburne, Lord, ministry falls, 10.
- Smith, S., opposes report of Senate Com. on Commerce, 116; favors legislation to settle B.W.I. trade question, 116; chairman of Senate Com. of Finance, 117; leads opposition to President Adams, 139.
- South Carolina, meetings in, to consider repeal of Am. retaliatory legislation, 78.
- Spanish America, relation to B.W. I. trade question, 106-107.
- Stowell, Lord, interprets Brit. act (1825), 110.
- Sweden, 104.
- Swedish West Indies, entrepôts in B.W.I. trade, 71, 155, 156.
- Tazewell, L. W., opposes report of Senate Com. on Commerce, 116; favors legislation to settle B.W.I. trade question, 116; moves to refer memorial, 117; writes series of letters attacking Adams' administration, 158.
- Thompson, Judge, believes J. Q. Adams should issue Proclamation, 144.
- Triangular trade route, 34; effect on Am. navigation, 34-37, 41-42; destroyed by Am. legislation, 64; re-established following "Reciprocity of 1830", 186.
- Turk's Island, and Brit. proposals (1817), 48.
- Van Buren, M., instructions of, to McLane, 165-166, 175-176; Jackson's letter to, 170-171; McLane's letter to, 172-173.
- Vaughan, C. R., British minister to U.S., 134.
- Virgin Islands, opened of necessity to Am. ships, 68, 155.
- Virginia, Senator from, votes against Am. Navigation Act (1818), 52; agriculture of, affected by Am. navigation acts, 76; opposition in, to Am. navigation acts, 77-78.
- War of 1812, effect of, on B.W.I. trade, 27-28.
- Washington, D.C., "Extras" published in, regarding "Reciprocity of 1830", 179.
- Washington, G., instructs G. Morris to negotiate regarding B.W.I. trade, 14; nominates Jay to negotiate with Brit. Govt., 15; consults Jay regarding further negotiations, 19; seeks "privilege" of trading with B.W.I., 21.
- Webster, D., urges J. Q. Adams to issue statement to the public, 126; denounces Van Buren's instructions to McLane, 166; de-

nounces "Reciprocity of 1830", 186.

West Indian and American Trade Bill, influence on, of B.W.I. petitions, 82-83; influence on, of Am. retaliatory legislation, 85-86; introduced by Robinson, 82; opposed by Brit. ship-owners, 83;

provisions, 83-84; criticism of, 84-86.

"Wilmington Conspiracy", 164, 181. Wilmington, N.C., meeting to consider repeal of Am. navigation acts, 78.

Wilson, Senator, votes against Am. Navigation Act (1820), 70.

STUDY No. 57

THE ADVENTURES OF GILBERT IMLAY

By

RALPH LESLIE RUSK, Assistant Professor of English in
Indiana University

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I

EVERY student of Godwin and Shelley has noticed in the background of the group which formed about these two radicals the shadowy figure of an American man of letters and adventurer—Captain Gilbert Imlay, first husband of Mary Wollstonecraft, and father of Fanny, the half-sister of Mary Shelley. In spite of the curiosity which his appearance there has always aroused, he has remained for the most part a subject of the merest conjecture. For, tho it is true that he occupies a place second in importance only to that of Mary Wollstonecraft in the long tale of her misfortunes in love as related in the letters of her *Posthumous Works*, and again appears in the same character for a brief chapter in Godwin's *Memoirs*, yet in both cases it is only Imlay's attitude toward Mary Wollstonecraft that is shown. Independently of the story of this love intrigue he has generally been known simply as the author of two celebrated books—*A Topographical Description of the Western Territory of North America*, written from Kentucky to a friend in England (or in Ireland, as some would have it), and of a novel called *The Emigrants*, which has for some time enjoyed, but with extremely doubtful right, the distinction of being the first important fiction produced among the pioneer settlers of the West.

It does not yet seem possible to write in anything like its entirety the story of the life of this fascinating adventurer; but I hope to be able to show that a number of the gaps heretofore existing in all accounts of him can be filled with well-authenticated facts, and that, altho the fame attaching to him as the earliest novelist of the West and as the author of one of the first books of travel and description written in Kentucky is the result of a misconception, he deserves new celebrity for a reason heretofore, to the best of my knowledge, but vaguely

hinted by any of his numerous biographers¹—his political activities as the adviser of a famous statesman of the French Revolution and as an intriguer in the interest of a foreign power during one of the first important international complications that threatened the safety of the United States.

II

Of the earliest period of Imlay's life, so far as the facts in my possession go, only a very meager account is possible. If we grant, as seems reasonable, that the Gilbert Imlay who was buried at St. Brelade's, Jersey, in 1828, was Imlay the adventurer and author, we have still to choose between the evidence of the parochial register, which would indicate that Imlay was born in 1754, and the evidence of the inscription

¹ Of the many accounts of Imlay which have appeared since the close of the eighteenth century, nearly all are based almost wholly upon William Godwin's *Memoirs of the Author of A Vindication of the Rights of Woman*, 1798 (pp. 103-149) and upon the letters of Mary Wollstonecraft as published in *Letters Written during a Short Residence in Sweden, Norway, and Denmark*, 1796, and in *Posthumous Works of the Author of A Vindication of the Rights of Woman*, 1798. A somewhat superficial study of Imlay's two books has usually furnished the only other information exhibited in the biographical notices that have followed Godwin's. The most authoritative of these is Richard Garnett's article on Imlay in the *Dictionary of National Biography*. The valuable article which the same author published in *The Athenæum* for August 15, 1903, contains new material, but is concerned only with the date of Imlay's birth and with the date and place of his death. Among the books on Mary Wollstonecraft which repeat in some detail the usual facts and conjectures concerning Imlay based on the *Memoirs*, the letters, and the two books by Imlay, the most important are C. K. Paul's *Mary Wollstonecraft*, 1879 (pp. xxxvi-l); E. R. Pennell's *Life of Mary Wollstonecraft*, 1884 (pp. 188-246); E. Rauschenbusch-Clough's *A Study of Mary Wollstonecraft*, 1898, which devotes only a brief space to Imlay; R. Ingpen's *The Love Letters of Mary Wollstonecraft to Gilbert Imlay*, 1908 (pp. xv-xxiii of the prefatory memoir); and G. R. S. Taylor's *Mary Wollstonecraft*, 1911 (pp. 136-188). Of the books mainly concerned with Godwin which give some account of Imlay, C. K. Paul's *William Godwin: His Friends and Contemporaries*, 1876 (I, 213-230), is worthy of note, but the information to be found there is given in greater detail in the same author's preface to his edition of Mary Wollstonecraft's letters cited above. Recent works containing biographical summaries of Imlay which attempt to exhibit him as a Kentucky author are J. W. Townsend's *Kentuckians in History and Literature*, 1907 (pp. 13-25); the same author's *Kentucky in American Letters*, 1913 (I, 11-13); and the *Library of Southern Literature* (XV, 217). The chapter on Imlay in *Kentuckians in History and Literature*, which is by far the most comprehensive of the three accounts just mentioned, reproduces the Wilkinson letter of September 28, 1784, but makes no mention of the many other Imlay papers which contain valuable biographical information. In the same book an attempt is made to trace the family of Imlay, with results which are discussed below (footnote 5). The date of Imlay's arrival in Kentucky is given—rightly, I think—as 1784, George May is correctly named as Imlay's superior in the office of surveyor, and some partially accurate statements are made concerning the lands which Imlay possessed; but there is no notice of the important facts contained in the records of the Kentucky court trials in which Imlay was involved, and the statements made regarding the length of his residence in Kentucky are, as I shall try to show, entirely erroneous. Bare mention is made of the fact that Imlay communicated to the French government a plan for the capture of New Orleans.

said to have been copied from the tombstone in 1833, according to which February 9, 1758, was the date of his birth.² The place of his nativity was, in all probability, Monmouth County, New Jersey, where the Imlay family³ was established as early as the first decade of the eighteenth century. The Patrick Imlay⁴ whose name appears at various times from 1705 to 1727 in connection with legal actions concerning the Old Presbyterian Tennent Church, of which he seems to have been one of the most influential members, was very likely the great-grandfather of Gilbert. Patrick had a son named Robert; and it is clear from the record of wills that a Robert Imlay of Upper Freehold, Monmouth County, who died in 1754, was the father, by his wife, Alice, of the Peter Imlay who had by 1761 three children, all probably under ten years of age at that time—Robert, Peggy, and Gilbert.⁵ It is significant that while such names as Robert and Peter are common among the New Jersey Imlays of this period, there is, so far as I have been able to discover, only one Gilbert Imlay mentioned in the extant wills. Long breaks in the chain of evidence between 1761 and 1777—for the statement made in

² For the record of the burial and for the inscription, see Richard Garnett's article in *The Athenæum*, August 15, 1903, and below (footnote 93). Cf. also the will of Alice Imlay, cited below (footnote 5), which seems to show that the Gilbert Imlay mentioned in that document was not more than eight years old in June, 1761, and that he may have been several years younger at that time.

³ Numerous wills in the office of the Secretary of State of New Jersey show that there were many Imlays both in Monmouth County and in Burlington County during Revolutionary times. See also *Collections of the New Jersey Historical Society*, IX, and *Proceedings of the New Jersey Historical Society*, new series, III. A number of important men of this name who were active in New Jersey during this period and somewhat later are mentioned in the following records: Charles Lanman's *Biographical Annals of the Civil Government of the United States*; *The Debates and Proceedings in the Congress of the United States*, Fifth Congress; *Catalogus Eorum Qui Munera et Officia Gesserunt, Quique Alicujus Gradus Laurea Donati Sunt, in Collegio Neo-Cæsariesnsi, Princetoniæ*, Heitman's *Historical Register of Officers of the Continental Army during the War of the Revolution*. New Jersey was not, however, the only colony or state in which there were prominent Imlays: cf. *Journals of the Continental Congress 1774-1789*, Vols. VIII, XVII, and XIX; *The Debates and Proceedings in the Congress of the United States*, for the Fifth Congress; *Senate Journal*, for the same Congress; *Pennsylvania Archives*, second and third series; and *Documents Relative to the Colonial History of the State of New-York*; *Procured in Holland, England and France*, Vol. VIII.

⁴ For Patrick Imlay see Symmes's *History of the Old Tennent Church*, p. 27 (excerpt from Minute Book of the Monmouth County Court for 1688 to 1721, p. 239) and pp. 31-32; and Deed Books F2 (p. 535) and D (p. 93), in the Office of the Secretary of State of New Jersey. For information concerning records in which Patrick Imlay is mentioned, for abstracts of the Imlay wills in the office of the Secretary of State of New Jersey, and for transcripts from the files of the Adjutant-General of New Jersey, I am indebted to Mrs. Elizabeth Satterthwaite, of Trenton.

⁵ Cf. the account given in J. W. Townsend's *Kentuckians in History and Literature*, which contains, I think, a correct statement of the names of Gilbert Imlay's grandfather, father, and brother, but seems to be inaccurate in many other details—for

A Topographical Description regarding the author's early life in "the back parts of America" offers nothing substantial—and again between 1778 and 1783 make it impossible, until further information is available, to arrive at a definite conclusion; but all of the facts which have so far come to light strengthen the probability that the Gilbert Imlay named in the court records of 1761 was the same Gilbert Imlay who, sixteen years later, was listed in the roster of the American army as a first lieutenant and accredited to Monmouth County, and who, shortly after the war, appeared on the Kentucky frontier. The statement on the title-page of *A Topographical Description* that the author served as a captain in the American army during the Revolution is made plausible by the fact that the title of captain was commonly given to him by the ex-soldiers who were his neighbors in Kentucky.⁶ The official records of military service now extant neither prove nor disprove his claim: all of importance that may be had from them is that Imlay was a first lieutenant in Forman's Additional Continental Regiment from January 11, 1777, to July, 1778, where he served under Captain Burrows, and that he had enlisted for the duration of the war.⁷

example, in giving the date of the grandfather's death as 1750 and that of the grandmother's death as 1754, as well as in the assertion that the grandmother's name was Mary Imlay, instead of Alice Imlay, as she is called in both her husband's will and her own. These errors are perhaps partly responsible for the contradictory statements which occur in this account: in the course of a single paragraph it is asserted that Gilbert Imlay was born in or about 1755, that his grandmother mentioned him in her will, and that she died in 1754. For the facts involved in this discussion, see the following documents: the will of Robert Imlay, made June 12, 1754, and proved December 10 of the same year (2021 M of Wills, office of the Secretary of State of New Jersey); and the will of Alice Imlay, widow, made June 7, 1761, and proved August 17 of the same year (2649 M of Wills, as cited above). In the latter, Alice Imlay mentions her son Peter's children—Robert, Peggy, and Gilbert—in the order named. It seems reasonable to suppose that she named them in the order of their ages; and, if so, her provision that Robert was to receive the interest on her bequest when he should become ten years of age has an important bearing upon the question of Gilbert Imlay's age at this time. As for Gilbert's share in the bequest of his grandmother, he was to receive no benefit except in the event of Robert's death. I have found no information regarding Gilbert's mother; but his stepmother, it seems, was a Mary Holmes, who married Peter Imlay in 1762 (see marriage license, Vol. IJK, p. 22, office of the Secretary of State of New Jersey; and cf. Lee's *Genealogical and Personal Memorial of Mercer County, New Jersey*, II, 634). That Gilbert's father was at one time the possessor of moderate financial means is shown by the fact that he acknowledged the receipt of £825 as his share of the proceeds of his father's estate and was the heir of both the personal and real property of his mother.

⁶ In court records and correspondence cited below.

⁷ Cf. Heitman's *Historical Register of Officers of the Continental Army during the War of the Revolution*, p. 237; Stryker's *Official Register of the Officers and Men of New Jersey in the Revolutionary War*, p. 427; and MS. 3777, p. 4, in the office of the Adjutant-General of New Jersey. The fact that Imlay's name appears in the Casualty

III

At the close of the Revolutionary War, Imlay, like many other land-hungry ex-officers of the American army, turned toward the Western country, where white settlers, who had first penetrated the region only a few years before, were now appearing in considerable numbers. It was the day of Daniel Boone, John Filson, and Simon Kenton, and of petty Indian wars; and, once the tide of immigration had set in, it was also the day of the speculator in lands. In March, 1783,⁸ Imlay purchased a tract of land in Fayette, one of the three counties into which the District of Kentucky was at that time divided; and in the autumn of that year he attempted thru the agency of Henry Green, deputy surveyor of that county, to obtain a clear title.⁹ It does not seem likely, however, that Imlay himself appeared in Kentucky before the spring of the following year, 1784. According to his own account, in which he does not state the year, he left Pittsburgh on his Western journey sometime in March and arrived at Limestone less than five days later.¹⁰ That the year was 1784 and that his own statement as to the month is correct seems likely, because at that time, and not until then, begins the long court record of the business and legal entanglements that marked his residence of not quite two years in Kentucky.¹¹

On the seventh of the following April,¹² Imlay, who, as we

Book of Forman's Regiment (MS. 3777, p. 4) as omitted in July, 1778, seems to indicate that he was temporarily disabled about that time. This entry was made, it may be noted, shortly after the Battle of Monmouth had been fought near the Imlay home. Some minor details of Imlay's service during 1777 are recorded in the files of the Adjutant-General of New Jersey: on May 19 of that year Imlay sent, from Haddonfield, a memorial to Governor Livingston and the Council of Safety of New Jersey, asking that certain prisoners confined in Philadelphia be released so that they might join his company, in which they had agreed to enlist; three days later the Council of Safety responded to this request by ordering that the prisoners be sent for, and on May 24 seven of the latter were enrolled and delivered to Lieutenant Gilbert Imlay (MS. 4126 and Council of Safety, pp. 63 and 67-69). It is of interest to note that the Peter Imlay who was mentioned in the will of Alice Imlay in 1761 as the father of Gilbert is said to have served during the Revolutionary War as a minute man of the Monmouth County militia and to have been a prisoner in 1778-1779 (see Lee's *Genealogical and Personal Memorial of Mercer County, New Jersey*, II, 634).

⁸ See Imlay to Triplet, July 15, 1784, in Vol. 32, Innes MSS., Library of Congress.

⁹ Imlay's memorandum to James Marshall, November 6, 1785, in Vol. 32, Innes MSS., Library of Congress.

¹⁰ A *Topographical Description*, London, 1792, p. 40.

¹¹ Further negative proof in favor of 1784 as the date of Imlay's arrival in Kentucky—proof which, however, is neither chronologically nor geographically complete—is offered by the poll lists of Jefferson County for 1781 and 1782, in which Imlay's name does not appear. See Minute Book A (for 1780-1783), Jefferson County Court.

¹² Minute Book No. 1 (1784-1785), Jefferson County Court, pp. 3 and 5.

have seen, had already begun speculation in Kentucky lands, took the oath at Louisville as a deputy surveyor of Jefferson County under George May,¹³ who had certified his nomination to the court. This office, to which Imlay vaguely alludes on the title-page of *A Topographical Description*, where he claims for himself the dignity of "commissioner for laying out lands in the back settlements", was doubtless of considerable advantage to him as a speculator. How long he retained the desirable place, however, I have been unable to determine. At all events, he was not long to remain free from the annoyance of sheriffs' summonses, which from this time on were continually dinning in his ears while he remained in Kentucky, and posted at church door and published in newspaper years after his departure.

On the 27th of March, probably in 1784, and shortly after his arrival in Kentucky, Imlay gave, jointly with a certain William A. Lee, a bond for £200 as guarantee for the repayment of a debt then incurred, but which he thereafter steadfastly refused to pay.¹⁴ As a result of this breach of contract, within less than a week after Imlay's installation as deputy surveyor the County Court of Jefferson issued a writ commanding the sheriff to bring him and Lee to answer a plea of debt at the May term.¹⁵ And, tho Imlay succeeded in evading trial for some months, he was soon wanted at court to answer a second complaint; on August 4 of the same year his arrest was ordered on a charge of trespass preferred by one David Standiford, who alleged a damage of £60.¹⁶

¹³ George May was appointed surveyor of Jefferson County by the faculty of William and Mary College on November 27, 1780. (See Minutes of the Faculty, in the Library of William and Mary College.) He had power to nominate his own deputies. It is not unreasonable to conjecture that this was the same George May who served as ensign, and later as first lieutenant, in the same Philadelphia battalion with a Captain John Imlay in 1777. (See *Pennsylvania Archives*, second series, XIII, 599 and 605.)

¹⁴ See complaint of Cleveland against Imlay and Lee, File 5746, Old Circuit and Common Law Courts, Jefferson County Circuit Court, Louisville. The date of the bond as given in the complaint is March 27, 1785; but this is obviously incorrect as to the year (as is proved by other papers having to do with the same legal action)—the blank spaces in the printed form were probably carelessly filled in by Greenup, Cleveland's attorney. It is possible, of course, that the date was even earlier than 1784, tho this seems very unlikely. The original bond was reclaimed by Cleveland in 1797, and no copy of it remained in the records of the court.

¹⁵ This and all other details of the case of Cleveland *vs.* Imlay and Lee not otherwise noted are drawn from File 5746, Old Circuit and Common Law Courts, as cited above.

¹⁶ See File 546, Old Circuit and Common Law Courts, Jefferson County Circuit Court, Louisville. At the October term, however, this case was dismissed, non-suit.

By the middle of September, Imlay, who had appeared at Lexington in July,¹⁷ had gone into Lincoln County, and was thinking of making a journey to the eastward;¹⁸ and on the 27th of September he authorized Dr. Alexander Skinner to act for him with power of attorney during his absence.¹⁹ A letter which he wrote from Danville on the tenth of the following month shows that he planned definitely to set out for the East within a few days—apparently by the Wilderness Road to the old part of Virginia—and that he intended to return by Christmas.²⁰ What was the object of this difficult journey and whether he carried out his intention to return by the end of the year, it is not possible to say. It is certain, however, that up to December 9 he had failed to obey the summons of the court at Louisville to answer Cleveland's plea of debt, so that it was then ordered that unless he appeared at the next session judgment would be given against him.²¹ Apparently he had returned to Kentucky before April 9 of the following year, at which time, at any rate, bail was supplied on his behalf by Dr. Alexander Skinner, and a plea alleging that the bond to Cleveland was corruptly bargained was entered by Benjamin Sebastian as Imlay's attorney.²² This action served to postpone further prosecution of the case until after the defendant's final departure from Kentucky.²³

About the end of May, 1785, Imlay was at Danville, from which place he wrote²⁴ that General Wilkinson had agreed to care for his interests in Fayette County. Early in November he was again (or still) in Danville;²⁵ and on the second day

¹⁷ See Imlay to Triplet, July 15, 1784, as cited above.

¹⁸ Imlay to Henry Lee, September 14, 1784, in Draper MSS., Wisconsin Historical Society.

¹⁹ Imlay to Skinner, September 27, 1784, in Vol. 32, Innes MSS., Library of Congress.

²⁰ Imlay to Henry Lee, October 10, 1784, in Draper MSS., Wisconsin Historical Society.

²¹ Order Book, Jefferson Circuit Court, for 1784-1785, p. 211. That Imlay was, in the meantime, deeply involved in debt in another quarter, and that he was probably on the brink of financial ruin, is shown by a letter from General James Wilkinson to Mathew Irvine, dated Carlisle, September 28, 1784 (Emmet Collection, New York Public Library; printed in J. W. Townsend's *Kentuckians in History and Literature*). I have been unable to determine whether Imlay ever redeemed his bonds to Irvine.

²² Order Book, Jefferson Circuit Court, for 1784-1785, p. 287. See also Imlay's plea by Sebastian, File 5746, Old Circuit and Common Law Courts, as cited above.

²³ After Imlay had left the country, this trial continued to drag on year after year, until September of 1793, when it was dismissed because of no prosecution. Not quite four years later Cleveland asked and received possession of the original bond.

²⁴ Imlay to Henry Lee, May 28, 1785, in Draper MSS., Wisconsin Historical Society.

²⁵ Imlay's memorandum to James Marshall, November 6, 1785, in Vol. 32, Innes MSS., Library of Congress.

of that month he gave bond to Isaac Hite of Jefferson County for £300 to secure payment of £150 for an interest in land on which they, together with Amos Ogden, agreed to erect iron works.²⁶ On November 5 the three promoters signed articles of agreement governing the projected development of their pioneer venture.²⁷ Hardly had Imlay become a partner in this ambitious scheme, however, before he left Kentucky, probably never to return. The Virginia settlements were once more his first objective. He was likely already in Richmond when Patrick Henry, on December 9 and 12, granted him letters patent for over 12,000 acres of land in Jefferson County, Kentucky.²⁸ He had certainly arrived there before the end of that month, when another of his numerous creditors attempted to secure some satisfaction on account of a bond which he had received from Imlay for debt.²⁹ A few weeks later, while Benjamin Sebastian was disposing of a part of his principal's interest in the Green River Company,³⁰ as the Kentucky iron works project was now called, Imlay himself was moving northward. He spent some time in the Jerseys—probably early in April—and may have remained there thru the summer.³¹ In May he was vainly expected in Baltimore, but apparently had failed to arrive there at the end of July.³² It is clear that the Green River Company, for which Imlay's partner, Ogden, according to his own account, had vainly attempted to raise funds, was doomed to failure; and Imlay seems to have abandoned his associates without any warning. On September 7 he appeared before Edward Shippen³³

²⁶ See file of Chancery Decrees, 1798 to 1800, in the office of the Clerk of the Circuit Court of Nelson County, Bardstown, Kentucky. There are twelve MS. documents in this file bearing on Imlay's dealings with Hite. Only a few of these are numbered.

²⁷ *Ibid.*, document 3.

²⁸ Deed Records, Book I, Nelson County Court, pp. 96ff.

²⁹ See order from John Rogers on Imlay for payment of £18 to Colonel John Campbell, dated December 22, 1785, in Durrett Collection, University of Chicago. On December 23 Imlay indorsed his acceptance of this order as part payment of his debt to Rogers.

³⁰ To Daniel Henry of Jefferson County, Kentucky, formerly of Maryland. The deed for one-third of Imlay's interest in the iron works is dated January 15, 1786, and was ordered recorded on April 4. Imlay's name was signed by Benjamin Sebastian, his attorney. (Deed Book No. 1, Jefferson County, p. 190.)

³¹ Amos Ogden to Isaac Hite, July 28, 1786, in file of Chancery Decrees, 1798 to 1800, Circuit Court, Nelson County, as cited above.

³² *Ibid.*

³³ What may be an insignificant coincidence is the juxtaposition of the names Imlay and Shippen in a letter written by Miss Beeky Franks to Miss Shippen of Philadelphia, about July, 1778, and reproduced in the *Pennsylvania Magazine of History and Biography*, XXIV, 417-418. It is interesting to note that the Imlay here mentioned appears in the character of a fashionable beau, and that the date corresponds with that of Imlay's

and Plunkett Fleeson, justices of the Court of Common Pleas in Philadelphia, and executed legal papers providing for the sale, by his Kentucky attorneys, of his extensive lands in Jefferson County to Silas Talbott of Philadelphia.³⁴ Not long after he had transacted this legal business, Imlay was again in Richmond. It is likely that he was there to receive in person patents issued to him on November 14 for a considerable tract of land in Fayette County, Kentucky.³⁵ On the third of December he made a small payment to Colonel John Campbell³⁶ on account of his debt to Rogers. The record of this transaction seems to be the last substantial evidence of Imlay's presence in the United States. And according to testimony offered in the Kentucky courts during the following year—testimony which, for a number of reasons, may be accepted as convincing—Imlay left the continent of America before the end of 1786.³⁷

leaving Forman's Regiment, a time when he might well have appeared in the capital, which had recently been evacuated by the British.

³⁴ See Deed Records, Book 1, Nelson County Court, as cited above. The transfer of these lands was not completed until June of the following year, presumably after Imlay had left the continent of America. At that time Benjamin Sebastian received from Talbott, on behalf of his principal, a total of £750 in Pennsylvania money and 12,771 Spanish milled dollars. Thus Imlay's receipts averaged about a dollar an acre, which, according to Thomas Jefferson (*Writings*, ed. Ford, IV, 472), was the usual price for Kentucky land at that time.

³⁵ See Grant Books for 1786, Land Office, Richmond, Virginia.

³⁶ See Campbell's indorsement, December 3, 1786, on Rogers's order of December 9, 1785, as cited above.

³⁷ See Hite's bill of complaint against Imlay and Ogden (file of Chancery Decrees, 1798 to 1800, Nelson County Circuit Court, as cited above), in which Hite testifies "That the said Deft Imlay some time in the fall of the said year [1785] left this District and as your orator hath been informed sometime in the year 1786 left the Continent of America, and that your Orator hath never since heard of him". It may be said for the credibility of Hite's testimony that he was in a position to be well informed, as he must have been acquainted with Imlay's former friends and associates in Kentucky. In December, 1784, he had become an inspector whose duty it was to examine men nominated by George May to be deputy surveyors in Jefferson County; and at the same time his son, Abraham, had received an appointment as deputy surveyor (Minute Book No. 1, 1784-1785, Jefferson County Court, p. 77). Hite was, moreover, as is shown by his will (Will Book No. 1, Jefferson County Court, pp. 51-54) a man of considerable wealth and influence; his executors were required to give bond for £5000. But aside from the weight of Hite's testimony there is almost conclusive evidence that Imlay, after 1786, kept clear of Kentucky at least, for the Supreme Court of the District was unsuccessful in its attempts to find him, in spite of the fact that he had been known in all quarters of Kentucky. The usual conjecture of his biographers that he remained in Kentucky till about 1792 seems to be based almost wholly upon the assumption that *A Topographical Description* was written in the form of letters sent from Kentucky. For evidence tending to show that Imlay may have remained in America for more than a year after quitting Kentucky, see a letter to Arthur Lee, dated March 5, 1787, and written from Richmond, apparently by John Marshall, later the Chief Justice (*R. H. Lee's Life of Arthur Lee*, II, 321). The first paragraph, in which occurs the only mention of Gilbert Imlay—if, as seems likely, the Mr. Imlay of the letter is he—is as follows: "Your favour of the 10th of January is now before me.

When Imlay left Kentucky and America he also left behind him more than one personal obligation which he was never to redeem. Besides his bond to Rogers and the more troublesome one to Cleveland, which had already been long in the courts, there was the matter of the agreement with Hite. Beginning in October, 1787, the clerk of the Supreme Court vainly issued writ after writ³⁸ in an attempt to bring Imlay to Danville for trial, first in answer to Hite's charge and later for contempt as well. The sheriffs of Nelson and Jefferson Counties reported Imlay both in 1787 and 1788 as not to be found in their bailiwicks, and in 1789 the court ordered both the defendants to be advertised.³⁹ As late as 1793 the bill was continued by the Supreme Court thruout the year, and until March, 1794, when it abated by the death of the plaintiff. Four years later, however, it was revived by Hite's heirs in the Court of Quarter Sessions of Nelson County, which had received the jurisdiction formerly possessed by the Supreme Court. The case was now rapidly brought to a close. It was advertised in a newspaper⁴⁰ and posted at the doors of meeting-house and courthouse; and on October 14, 1799, the bill against Imlay was taken as confessed, and final judgment was given.⁴¹

I have not sent the letter you enclosed me in search of Mr. Imlay, because I am told by my brother, who is much better acquainted with him than I am, that he either now is, or will very soon be in New York." The following paragraph refers to some notes, with which Imlay may or may not have had something to do, and then goes on to deplore the danger which at that time existed that the men of the Western country might embroil the United States with Spain. The brother whom Marshall mentions as being well acquainted with Imlay may have been the James Marshall of Kentucky to whom, indeed, Imlay must have been well known (see Imlay's memorandum to James Marshall, as cited above, footnotes 9 and 25). It is clear, however, that the statement made in this letter regarding the whereabouts of Imlay is merely a conjecture: if Imlay did not actually arrive in New York when Marshall's brother supposed he would, it was not the first time that this shifty adventurer had failed to appear at the time and place expected. All that this letter can be said to prove is that in January, 1787, an attempt was being made to communicate with Imlay, or at least to determine where he was—and the evident difficulty of finding him at that time may well be explained by the testimony of Hite showing that Imlay had already left America.

³⁸ For these writs and for other documents showing the later history of the case, see file of Chancery Decrees, 1798 to 1800, Nelson County Circuit Court, as cited above. When the old Supreme Court was suspended, these documents, with jurisdiction in the case, were transferred to what was then the Court of Quarter Sessions of Nelson County.

³⁹ Ogden had perhaps carried out his plan to go to "New Georgia, near Augusteen", of which he had written to Hite from Baltimore in 1786. (See Ogden to Hite, July 28, 1786, in file of Chancery Decrees, 1798 to 1800, as cited above.)

⁴⁰ *The Palladium* (Frankfort), November 13, 1798, to January 22, 1799, in the Durrett Collection, University of Chicago.

⁴¹ See Order Book, Quarter Sessions Court, Nelson County, for February, 1797, to February, 1800, p. 233.

IV

It is impossible to say whether Imlay, who, according to the evidence cited above, left America in December, 1786, was at that time already entangled in a web of French intrigue against Louisiana, or, perhaps, had taken some share in the incipient Spanish plot involving the allegiance of Kentucky to the Union. Both General Wilkinson and Judge Sebastian, ring-leaders, somewhat later, in the separatist agitation and both in the pay of Spain, had, as we have seen, acted as agents for Imlay.⁴² As to the possibility of Imlay's interest in French schemes at this early date, there is no substantial evidence; but it is interesting to note that as early as 1785 a French agent, D'Argès, had been posted at the Falls of the Ohio,⁴³ and the subsequent history of Imlay suggests that it is not impossible that he came under the influence of this man. Before the end of the next year, 1786, Kentucky was in a ferment of excitement over the question of the navigation of the Mississippi, and the turbulent spirits among the ex-soldiers, now well beyond the reach of the authority of the Federal government, were threatening to apply to some foreign power for aid in securing their commercial rights.⁴⁴ Whatever the cause of Imlay's departure, such were, at any rate, the symptoms of political unrest in Kentucky when he left America, bound, as one may reasonably conjecture, for Europe.

But it is not until some half-dozen years later that his career in England and France brings him again into prominence. The intervening period⁴⁵ he undoubtedly spent partly in preparing for the press the two works which have done much to secure his fame—*A Topographical Description of the Western Territory of North America* (London, 1792) and

⁴² A further, but enigmatic, proof of dealings between Wilkinson and Imlay is to be found in a letter from Wilkinson to Harry Innes dated March 29, 1796, and preserved in Vol. 2 of the Wilkinson Papers, Innes MSS., Library of Congress. Cf. also Wilkinson to Irvine, September 28, 1784, as cited above.

⁴³ See Gayarré's *History of Louisiana*, III, 238.

⁴⁴ See, for example, the letter of December 4, 1786, from "a gentleman at the falls of the Ohio, to his friend in New England", in *Secret Journals of the Acts and Proceedings of Congress*, IV, 320.

⁴⁵ It is difficult to escape the conviction that somewhere there must be records of Imlay for these years in the files of law court or consulate; but I have so far been unable to discover anything of the kind. The information which I have received regarding American consular records is wholly negative; but it is incomplete, and it still seems likely that something positive will sooner or later come to light from this source. Imlay certainly retained his American citizenship as late as 1795. (See his power of attorney granted to Mary Wollstonecraft on May 19 of that year, as cited below.)

a novel in three small volumes, called *The Emigrants*,⁴⁶ which appeared in London in 1793. A *Topographical Description*, which was published before August,⁴⁷ 1792, could not have been completed by Imlay more than a few months before its appearance, for the author devotes a part of the eleventh chapter to comment upon St. Clair's defeat of November 4, 1791. This chapter, like all the others except the tenth—and the omission of the heading "Kentucky" from this chapter in both the first and the third editions seems not to be intentional—purports to have been written from Kentucky. That the book was, however, actually written, at least in large measure and probably altogether, long after its author had left both Kentucky and America, is obvious if, as the court records show, Imlay left Kentucky late in 1785, and the continent of America at the end of the following year. Purely internal evidence is also against the claim that the work was written from Kentucky. What, for example, is to be said for the criticism of European manners, which occurs here (as also in *The Emigrants*), and, more particularly, for the prefatory apology for such criticism on the ground that the author, who had been "accustomed to that simplicity of manners natural to a people in a state of innocence", must have been, upon arriving among the people of Europe, "powerfully stricken with the very great difference between the simplicity of the one, and what is called *etiquette* and good breeding in the other"?⁴⁸ It is also significant that in his *Postscript*, published in the second edition, the author prefaces a long letter from a friend describing the Indian campaigns of Scott and Wilkinson (June and August, 1791) with the admission that he himself was absent from the country at that time—a statement much more plausible than the contradictory claim that his account, in the original edition, of St. Clair's defeat (November 4, 1791) was written from Kentucky. Further

⁴⁶ This work, of which Richard Garnett saw only the imperfect copy in the British Museum, is, especially in the first edition, very rare. A number of copies have, however, come to light. An excellent one is to be found in the Durrett Collection, University of Chicago.

⁴⁷ The first edition was noticed in the *Monthly Review* for that month (VIII, 390-401). Later editions, it may be noted, contained additional materials, republished from John Filson and other writers on the Western country. The third edition is remarkable for the changes made in the latter part of the preface; and both the second and third editions contain a postscript apparently by Imlay but printed with the selections from other authors.

⁴⁸ London, 1792, p. iv.

evidence of the author's disregard for the plain truth is the fact that this *Postscript*, which was written at a time when he was undoubtedly in Europe, is so worded as to give the impression that he was still in Kentucky.

And if *A Topographical Description* was not written in America, it is hardly likely that *The Emigrants*, which has been hailed as the first novel written in Kentucky, but which did not appear until 1793, probably more than six years after Imlay had left the United States, was produced in the West. More likely, in spite of the declaration of the title-page that it was "written in America", it is based on Imlay's reminiscences of his two years in Kentucky and upon his reaction to British society as he saw it in London—the comparison between the two seems to be pretty largely the purpose of the book. If, as is likely, the Captain Arl—ton who traveled westward thru Pittsburgh and thence by the Ohio to Louisville to establish himself in the new country,⁴⁹ is partly reminiscent of the Captain Imlay, who, according to *A Topographical Description*, followed the same route to Kentucky, it is also likely that the Mr. Il—ray who writes from London telling of his voyage down the Mississippi to New Orleans and thence to England⁵⁰ is the Imlay who made a voyage from America, probably to England, in 1786-1787, and who was, within a few years at any rate, deeply involved in the intrigues concerning the possession of the Mississippi and of New Orleans. It is, besides, more reasonable to suppose that Imlay found less leisure for composition and less urge toward it during the two turbulent years on the raw Kentucky frontier than during the succeeding years under the influence of what may well have been a favorable environment. On the other hand, the conjecture has been made (independently of any such considerations as those I have urged) that Mary Wollstonecraft, who, in her preachments on the subject of marriage, certainly resembles Imlay, may have influenced the social philosophy of his novel.⁵¹ The likelihood of this influence is very considerably lessened, however, by the fact that such liberal philosophy was in the atmosphere of the French Revolution—even in England this was the year of Godwin's *Political Justice*—and there is more than a tinge of liberalism

⁴⁹ *The Emigrants*, 1793, I, 158, and II, 123.

⁵⁰ *Ibid.*, III, 95.

⁵¹ G. R. S. Taylor: *Mary Wollstonecraft*, p. 137.

in *A Topographical Description* itself. Furthermore, if Godwin's statement is correct, there was little opportunity for Mary Wollstonecraft to exercise her influence on the author of *The Emigrants* before that novel was in print, for according to the *Memoirs*⁵² the connection between the two writers did not begin until about the middle of April, and the three volumes of the novel were published in England by August, or perhaps earlier.⁵³

V

Imlay's life from 1793 to 1796 is, on one side familiar to every student of this period: it is known from Mary Wollstonecraft's letters and from Godwin's account in his *Memoirs of the Author of A Vindication of the Rights of Woman*. The reader of these works cannot, however, fail to note the thoroughness with which the authors suppress whatever facts about Imlay do not have a direct bearing upon the personal relations between him and this woman. Doubtless Mary Wollstonecraft herself was largely in ignorance as to the affairs of the man with whom she lived as wife outside the pale of the law, and what she did know she may well have kept in silence out of regard for his safety. Even after Imlay had deserted her, she never, says Godwin, spoke of him with acrimony and "was displeased when any person, in her hearing, expressed contempt of him".⁵⁴ At all events it is only the one side of Imlay that his biographers have seen. For a perhaps even more interesting picture of this stray from the Rousseauistic fold, who, as he would have us believe, was nurtured among "a people in a state of innocence",⁵⁵ one must turn to

⁵² P. 106.

⁵³ A review of *The Emigrants* appeared in the *Monthly Review* for August, 1793 (XI, 468-469).

⁵⁴ *Memoirs*, p. 145.

⁵⁵ Other signs that Imlay had taken the impress of the spirit of the age are not lacking. The enthusiastic eloquence of his *Mémoire and Observations* (for which see below), taking color, perhaps, from the French Revolutionary oratory, is paralleled in *A Topographical Description*, where his account of the charms of Kentucky is interspersed with professions of a strong sentiment for the welfare of mankind, and with suggestions as to the best methods of securing general happiness. His remarkable protestations in favor of the equality of blacks and whites suggest a comparison with Brissot; Imlay's enthusiasm for racial equality carries him even to the point of recommending intermarriage (*Ibid.*, p. 178). It is of interest to note, however, that he was apparently at one time during his residence in Kentucky the owner of a negro girl (Imlay to Henry Lee, May 28, 1785, Draper MSS., Wisconsin Historical Society). Other instances of his liberal views are his advocacy of women's rights in his novel, and his attitude toward the convention of marriage as shown in his later conduct toward Mary Wollstonecraft.

the archives of the French foreign office and read the history of the intrigues of the Girondist leaders for the conquest of Louisiana from Spain—a conquest of which one purpose was the expansion of France's sphere of influence, if not also the boundaries of her actual possessions in America, to include Kentucky and the other territory of the United States west of the mountains.⁵⁶

Tho the Convention did not declare war on Spain till March 7, 1793, a group of men who wielded great influence over France's foreign policy had been considering for many months the possibility of striking Spain a decisive blow thru her American possessions. Inseparably bound up with this policy was the desire of France to regain possession of Louisiana. Among the men interested in these plans the most influential was J. P. Brissot, leader of the Girondists, or Brissotins. From October, 1792, until near the time of his death a year later he sought by every means in his power to induce his colleagues to act decisively. For some time he was bent on withdrawing the brilliant General Miranda from his important post on the battle front under Dumouriez that he might undertake the execution of the vast scheme.⁵⁷ The selection of Genet as ambassador to the United States, in which capacity he undertook the immediate direction of the preparations being made in America toward carrying out the Louisiana intrigues, was, whether justly or not, attributed to the influence of Brissot.⁵⁸ In the Committee of General Defence, Brissot was recognized as the sponsor of the proposed expedition against the Spanish colonies.⁵⁹ It was to this man that Gilbert Imlay had found his way as early as March, 1793, when the final break between France and Spain occurred. The English radical, Thomas Cooper of Manchester, whose earlier relations with Imlay are obscure,⁶⁰ had recommended the

⁵⁶ For a general account of the French intrigues against Louisiana, see F. J. Turner: "The Policy of France toward the Mississippi Valley" (*American Historical Review*, X), and the same writer's "The Origin of Genet's Projected Attack on Louisiana and the Floridas" (*Ibid.*, III), in which Imlay is mentioned.

⁵⁷ See correspondence of Brissot with Miranda, Servan, and Dumouriez, especially the letters of October 13, November 26 and 28, and December 19 and 26, 1792; and of January 6 and 10 of the year following (*J.-P. Brissot Correspondance et Papiers précédés d'un avertissement et d'une notice sur sa vie par Cl. Perroud*, pp. 304ff.)

⁵⁸ *J.-P. Brissot Mémoires (1754-1793) publiés avec étude critique et notes par Cl. Perroud*, p. 257.

⁵⁹ Cf. *Recueil des actes du Comité de Salut Public et le registre du Conseil Exécutif Provisoire publié par F.-A. Aulard*, II, 10.

⁶⁰ Cooper, who sailed from England for America in August, 1793, shows in his book *Some Information respecting America*, published the following year, that he was well

American adventurer to Brissot,⁶¹ who in turn introduced him (March 26, 1793) to one of his colleagues⁶² as a proper person to give information on the proposed expedition against New Orleans.⁶³ Imlay, to be sure, was not the only American now involved in these intrigues, nor was he the most influential.⁶⁴ But he bore a reputation as an authority on Kentucky, which was strategic territory in the Louisiana plan; he was armed with a recommendation from Thomas Cooper;⁶⁵ and, tho perhaps not at the outset, enjoyed the prestige of belonging to the circle of Paine, of which Brissot was also a member. The fact that Brissot himself had visited America in 1788 and had published in 1791 a book which dealt to some extent with the Western country⁶⁶ was also, no doubt, one cause of his interest in Imlay. At all events it is clear that Imlay contributed thru Brissot his best efforts toward bringing the government to a realization of the opportunity for action. To the Committee of Public Safety, which had come into being in April,

acquainted with Imlay's *A Topographical Description* and that he had been so well impressed with the account of Kentucky that he had at first intended to settle there (*Some Information*, pp. 24-25).

⁶¹ Moncure Conway's account of Paine's circle of intimate friends, which included the Brissots and Imlay as well as Mary Wollstonecraft (*The Life of Thomas Paine*, II, 66), probably belongs to a slightly later date, tho to the year 1793. Thomas Clio Rickman, an intimate friend of Paine during that period, thus describes the group of friends who gathered about the famous radical at his home in the Faubourg St. Denis: "Here with a chosen few he unbent himself; among whom were Brissot, the Marquis de Chatelet le Roi of the gallerie de honore, and an old friend of Dr. Franklin's, Bangal, and sometimes General Miranda. His English associates were Christie and family, Mrs. Wollstonecraft [*sic*], Mr. and Mrs. Stone, &c. Among his American friends were Capt. Imlay, Joel Barlow, &c. &c." (Rickman, *The Life of Thomas Paine*, p. 121.)

⁶² Probably Le Brun or Otto.

⁶³ See letter to "Citoyen", in *Affaires Étrangères*, Corresp. Polit. Espagne, Vol. 635, fo. 584. This letter has been printed in *The American Historical Review*, III, 503. For the documents from the French foreign office which were published in the *American Historical Review* in 1898 and in the *Annual Report of the American Historical Association for the year 1896*, I am indebted, in common with other students of this period, to Professor F. J. Turner and the other members of the Historical Manuscripts Commission. To Professor Turner and to Dr. J. Franklin Jameson, I am also indebted for aid in securing copies of the Brissot letter referred to above and of the very significant letter of Brissot to "Citoyen Ministre" of April 22, 1793 (see below, footnote 70), which, I think, has not heretofore been published.

⁶⁴ General George Rogers Clark had, it seems, addressed the French government thru Thomas Paine on the same subject sometime in 1792. See an account of Paine's letter of February 17, 1793, to Dr. O'Fallon in *Annual Report of the American Historical Association for 1896*, I, 967.

⁶⁵ Cooper was one of the few Englishmen and Americans who were voted the honor of French citizenship. See Moncure Conway: *The Life of Thomas Paine*, I, 349. See also Dr. Joseph Warner to Joel Barlow, October 18, 1792, as printed in C. B. Todd's *Life and Letters of Joel Barlow*, p. 97. The name of Thomas Christie occurs in the same list, which was published in Brissot's *Patriote français* on September 25, 1792.

⁶⁶ *Nouveau Voyage dans les États-Unis de l'Amérique Septentrionale*.

1793, he sent at least two formidable communications on the subject. It seems likely that the *Observations du Cap. Imlay, traduites de l'Anglois*⁶⁷ was the first of these, for in the only other one which I have seen, the very lengthy *Mémoire sur la Louisiane, présenté au Comité de Salut Public par un citoyen Américain*,⁶⁸ Imlay expresses the fear that the papers on the same subject (apparently by him) which have already been submitted to the Committee by the minister Le Brun have not received the attention of the members because of the pressure of other important matters. The *Observations*, to which it seems likely that Imlay refers as having been neglected by the Committee, offers, however, little of interest except a proof of the author's willingness to use his American citizenship for the benefit of a foreign country. The fact that the expedition would be carried out by citizens of the United States would have, he explained, this added advantage: it would eventually bring the United States into the war.⁶⁹ In the much longer *Mémoire sur la Louisiane* Imlay presents a carefully prepared argument, tactfully interspersed with professions of deep respect for the Revolution and for the Committee of Public Safety. The author urges enthusiastically the importance which Spain attached to Louisiana, the long attempt of the Spaniards to use their position in that province to extend their power over the Western territories of the United States, the rapid growth and future commercial importance of those territories, his own first-hand knowledge of the Western people gained during a long residence in that country, the necessity of keeping the matter from the knowledge of the American government, the slight expense the expedition would involve, and the possibility, if it should prove necessary to exercise extreme retrenchment, of avoiding even that small

⁶⁷ Printed in *Annual Report of the American Historical Association for 1896*, I, 953-954.

⁶⁸ Archives des Affaires Étrangères, Louisiane et Florides, 1792 à 1803, Vol. 7, doct. I, as published in *The American Historical Review*, III, 491-494. I have disregarded the date of the indorsement on this document, which must be an error, as the Committee of Public Safety did not exist in 1792. The reference which the paper makes to Genet as resident in Philadelphia furnishes additional evidence of a mistake in the date of indorsement.

⁶⁹ In this particular Imlay showed less regard for his country's welfare than did George Rogers Clark, who suggested that the Americans who were to take part in the enterprise against Louisiana should first become citizens of France in order to avoid entangling the United States in the war. See Clark's letter of February 5, 1793, *Annual Report of the American Historical Association for 1896*, I, 970.

expense by putting the whole matter into the hands of Genet and the men of the Western Country.

That Imlay himself was to take an active part in the expedition is clear from a letter of Brissot addressed to "Citoien Ministre" (probably Le Brun) on the 22d of April, 1793, which the American adventurer carried with his own hand to the minister.⁷⁰ The fact that Imlay complained to Brissot that he had not yet received official authorization for the Mississippi expedition seems to show that he was at this time dealing directly with the Minister of Foreign Affairs, and that he was perhaps the leader of an expedition which was to set out from France. In all probability, however, Imlay and "the others" never actually started on their mission. Certainly the fifteen days within which Brissot considered it necessary to act or abandon the plan passed without a decision; for exactly a month later we find a certain Lyonnet, who may have been one of "the others" who were to go with Imlay, writing from Lyons to Otto of the foreign office that he has received a letter from Imlay informing him that tho nothing has been done, hope for the Mississippi scheme has not been entirely abandoned.⁷¹ But such hope could not have lasted much longer, for the fall of the Brissotins was impending. On June 2, less than two weeks after Lyonnet's letter was written, sentence of arrest was passed against Brissot and his friends, and at the end of the following October Brissot himself was sent to the guillotine. As for the preparations making on the other side of the Atlantic in connection with the projected conquest of Louisiana, they were ended shortly after Fauchet relieved Genet as ambassador in the following February.⁷² Tho there was some talk in 1795 of reviving the

⁷⁰ Affaires Étrangères, Corresp. Polit. Espagne, Vol. 636, fo. 105. This letter is as follows:

"Citoien Ministre

"Paris ce 22 avril 1793

"Le Capitaine Imlay qui vous remettra cette Lettre m'apprend qu'il n'y a encore rien d'arrêté pour l'expédition du Missisipi. Je vous avoue que cette lenteur me paraît très préjudiciable pour la chose publique. Si ce Capitaine et les autres personnes ne partent pas sous 15 jours, il faudra renoncer a l'enterprise, et certes La Republique aurait des reproches très fondés à faire pour y avoir renoncé[.] hâtez vous donc de prendre un parti décisif. L'argent ne doit pas vous arreter maintenant. Avez vous besoin de L'avis du Conseil je suis pret à y aller, pour y developper les avantages du plan mais de grace ne perdez pas un moment

"J.P.Brissot"

⁷¹ Lyonnet to Otto, May 22, 1793, Archives des Affaires Étrangères, Espagne, Vol. 636, fo. 205, as reproduced in *The American Historical Review*, III, 505.

⁷² *Annual Report of the American Historical Association*, 1903, II, 12; and for 1896, I, 934.

project,⁷³ there seems to be no proof that Imlay was again involved. At any rate he had long since become interested in adventures of a different sort, which might well have engaged his whole attention.

VI

Imlay's liaison with Mary Wollstonecraft, which, according to Godwin, had begun about "four months after her arrival at Paris in December, 1792"⁷⁴ (when, as we have seen, Imlay was deeply involved in the Louisiana intrigues), is narrated at length in Mary Wollstonecraft's letters and in Godwin's *Memoirs*; and on these matters Godwin, who was unconventionally frank in discussing personal affairs, and who not only edited the letters, but had the advantage of learning many details of the story from the lips of the woman who wrote them, may still be taken as the best authority. According to Godwin⁷⁵ the first meeting was at the Paris home of Thomas Christie,⁷⁶ whose wife was Mary Wollstonecraft's closest friend during the early part of the latter's sojourn in France. It was probably not long after this first meeting that Imlay was often with Mary in the circle which formed about Paine. The allusions in Mary's letters⁷⁷ and in Godwin's *Memoirs*,⁷⁸ to a cherished plan of settling on a farm in America are not, perhaps, without added significance when viewed in the light of the fact that during the early period of the acquaintance the way seemed open to success for Imlay thru the Louisiana expedition. A plantation in the West would have been only a reasonable reward, and Brissot himself, we are told by Madame Roland,⁷⁹ had at one time looked forward to the same kind of retreat in America. On the other hand, the failure of the Louisiana scheme may have had some bearing upon Imlay's decision to engage in business, which, if Godwin's chronology is correct,⁸⁰ was not put into effect until the

⁷³ See letter from Fulton to Clark, February 13, 1795 (*Ibid.*, for 1896, I, 1036).

⁷⁴ *Memoirs*, p. 103. Cf. *Ibid.*, p. 106.

⁷⁵ *Ibid.*, p. 104.

⁷⁶ Christie, who was one of the few foreigners to enjoy the honor of French citizenship (see above, footnote 65), may have had some influence in furthering the political fortunes of Imlay, with whom he was later associated in business.

⁷⁷ *Posthumous Works*, III, 108.

⁷⁸ Pp. 107-108.

⁷⁹ *Memoirs*, ed. Dauban, p. 230. See also *Notice sur Brissot par Petion in J.-P. Brissot Mémoires (1754-1793) publiés avec étude critique et notes par Cl. Perroud*, p. 368.

⁸⁰ *Memoirs*, pp. 107 and 114-115.

autumn of 1793, when the Brissotins had been driven from power. At first, when Imlay began his business operations, his object, if we may believe Mary's letter, was to gain a thousand pounds, which would have been "sufficient to have procured a farm in America".⁸¹

The chronology and geography of both Imlay and Mary for the period beginning with the autumn of 1793 and extending to April, 1796, are to be ascertained with considerable accuracy from the correspondence and from Godwin's *Memoirs*. In the early autumn, not long after the liaison was made a matter of public knowledge by their removal to the same house in Paris,⁸² Imlay was off alone to Havre on business, while Mary, tho protesting the separation, remained in Paris until January or February, 1794. From the latter date they were together at Havre—Imlay was absent for only a small part of this time—until the end of the summer, and it was here that Mary gave birth to a daughter, Fanny. In September, however, Imlay, sending Mary back to Paris, set out for London—on business, as he assured his already much-perplexed wife. And tho he had promised her that he would return to Paris within a couple of months, he continued to remain in London until, apparently influenced by the consideration that she might be of great assistance to him in arranging a settlement of certain business difficulties in Norway, Sweden, and Denmark, he urgently requested her to hasten to London, where she joined him in April, 1795. According to a report which is repeated by Godwin, Imlay had by this time formed a connection with a young actress from a strolling company of players. At all events, a month, marked by bitter recriminations and, on Mary's part, by an abortive attempt at suicide, elapsed before she began her voyage to the Scandinavian countries, pleased with the hope that by obliging him in this way she might regain his affection. Her faithful service in his interest during her long absence in the North, did not, however, prevent the crisis in their relations. When she returned to London in the following October, he provided a lodging for her, but otherwise neglected her. At length, learning from a servant that Imlay

⁸¹ February 10, 1795 (*Posthumous Works*, III, 108).

⁸² As a means of protection to Mary, who, as a British subject, was now in danger of being thrown into a French prison, it was arranged that she should be registered at the American embassy as Imlay's wife (*Memoirs*, p. 108).

was in fact living with another woman, Mary made an almost successful attempt to drown herself in the Thames at Putney. She was, however, again rescued; and, regaining her health thru the care of a physician sent by Imlay, she presently became an inmate of the home of the Christies, who were now living at Finsbury Square. In November Imlay was off to Paris with the woman with whom he was now living, and remained there for three months. Not until some weeks after his departure did Mary give up the struggle for the possession of his affections.⁸³ Even then she was not quite sure of herself, as one sees from her behavior when, early in the following year—perhaps in February—she met him by accident at the Christies'. But when she went shortly afterward for a visit in the country, Imlay addressed some correspondence to her which caused her, says Godwin, to dismiss him from her mind entirely. This resolution seems to have determined her attitude toward him when, not long after her return from the country, she met him, again accidentally, and for the last time, upon the New Road. At about the same time the intimacy between her and William Godwin began a regular growth, and with this event there was an end to the importance of Imlay in the *Memoirs*—and the story told by the letters had ended at a still earlier date.

VII

So much for one side of Imlay's life during these three years. The letters and *Memoirs*, however, not only omit all mention of his political intrigues, but fail to furnish more than the most unsatisfactory clues to the nature of his business affairs. And on the latter subject there is little to be had from any source in addition to the meager facts furnished by Godwin—that he was engaged jointly with some other person, or persons, in the shipping of goods⁸⁴ and that one of his business associates was Thomas Christie.⁸⁵ Mary her-

⁸³ "Even at Paris", she wrote, "my image will haunt you" (letter of November 27); and she sent him another appeal on the eighth of December. The last letter of the series must have followed soon with its acceptance of the new order: "I part with you in peace." Regarding Imlay's relations with other women, I have found no facts beyond those contained in the vague statements of Godwin. For the tradition that he at one time lived with Helen Maria Williams, see Roger Ingpen's *The Love Letters of Mary Wollstonecraft to Gilbert Imlay*, p. xv.

⁸⁴ *Memoirs*, p. 115.

⁸⁵ *Ibid.*, p. 140. For some light on Thomas Christie's business connections early in 1793, see a letter from Thomas Paine to an unnamed correspondent in Washington,

self was often in the dark; and she was always displeased with what she could learn. "I do not know what you are about," she wrote him in a letter of 1793 addressed to Havre;⁸⁶ and a year later she recorded her hatred of "this crooked business" in which he was engaged.⁸⁷ He is, she says in a letter of January, 1795, caught in a whirl of projects which will mean the destruction of her happiness. A month later she admonished him again: "I turn with affright from the sea of trouble you are entering." In more than one letter she took occasion to display her aversion for his business associates; she showed impartial dislike for his connections in England and in France.⁸⁸ Kegan Paul is apparently responsible for the tradition that Imlay was engaged in the lumber trade, a conjecture which Paul explained on the ground that "that industry had mainly attracted him in America".⁸⁹ Of Imlay's activities in the lumber business in America, I have, however, been able to find no trace. Curiously enough, not even Mary's letters, written from Norway, Sweden, and Denmark throw any light on the nature of his business interest; nor is there any information on this point to be had from the document which he signed on May 19, 1795, appointing Mary, "his best friend and wife", to act as his agent in the Scandinavian countries.⁹⁰

Something of the general character of American commercial ventures in France during 1793 and the years immediately following is, however, shown in the diplomatic correspondence of that period. Monroe, who replaced Morris as

dated New Rochelle, March 20, 1806, and printed in Rickman's *Life of Paine*, pp. 238-242. At the time when Miranda was summoned to Paris for trial (early in 1793 and not "in the beginning of the year 1792", as Paine—or Rickman—has it), Thomas Christie was, according to Paine, connected with the house of Turnbull and Forbes, which "was then in a contract to supply Paris with flour". The same letter shows that in 1791 the headquarters of this firm were at Devonshire Square, London. It is not impossible that Imlay was in some way connected with Turnbull and Forbes late in 1793 or in the following years. On the other hand, the little which is known about Imlay's business in the Scandinavian countries points to a venture for which he alone was responsible. It is significant, too, that Paine's letter was written some thirteen years after the events he narrates, and at a time when he was nearly seventy years of age.

⁸⁶ *Posthumous Works*, III, 18.

⁸⁷ *Ibid.*, III, 84.

⁸⁸ E.g., *Ibid.*, III, 138.

⁸⁹ *Mary Wollstonecraft*, p. xxxvii.

⁹⁰ For this document see C.K. Paul's *William Godwin*, I, 227-228; and E.R. Pennell's *Life of Mary Wollstonecraft*, pp. 230-231. Mary was directed by this paper to take charge of court proceedings at Gothenburg designed to recover money for Imlay from a certain Peter Ellisson. The suit already being directed on Imlay's behalf by an agent named Bachman was to be reinstituted by her. At Copenhagen she was to take charge of a cargo of goods belonging to Imlay in the hands of Myberg and Company.

ambassador to France in 1794, wrote to Madison that the only Americans he found in Paris were New England men connected with Britain who were engaged in trade to France on British capital.⁹¹ Swan, whom he called an unprincipled rascal, had, he said, a monopoly of the trade of both countries. The war-time restrictions on enemy trade made possible a rich harvest for those who could succeed in evading them. French officials repeatedly complained that Americans were carrying on intercourse with England, and asked for more strict supervision by the embassy and consulates.⁹² The facts of Imlay's earlier career in Kentucky and his later share in the French intrigues concerning Louisiana, together with Mary's comments upon his business dealings, might, in the light of the conditions just cited, justify an inference as to the nature of his trading ventures between 1793 and 1796. But there is no definite information on this phase of Imlay's activities. Nor is there, so far as I know, the slightest shred of fact to be had concerning his doings from that time till his death.

VIII

Concerning Imlay's death nothing at all was known until Richard Garnett, who had previously written the account of him in the *Dictionary of National Biography*, acquired, some years since, a copy (said to have been made in 1833) of an inscription which at that time existed on a tombstone in the graveyard of St. Brelade's, Jersey,⁹³ and subsequently learned that the parochial register contained a record of the burial. According to the inscription, a Gilbert Imlay, who may well have been the adventurous captain, died on November 20, 1828. The reason for his presence in Jersey is, so far as my information goes, a matter of the merest conjecture. That he was not in the island many years prior to his death is reasonably certain, for the name cannot be traced in the public

⁹¹ June 30, 1795, in *The Writings of James Monroe*, ed. S.M. Hamilton, II, 313. As to French commercial relations with Scandinavia, Monroe wrote (*Ibid.*, II, 143) that France drew great resources for her war from both Denmark and Sweden.

⁹² E.g., Monroe's letter of August 30, 1795, to the Commissary of Marine, *Ibid.*, II, 343.

⁹³ For this curious inscription and Garnett's comment, see *The Athenæum*, August 15, 1903. Garnett was unable to determine whether the inscription was still to be found in the churchyard. The present rector of St. Brelade's informs me, however, that altho the entry in the parochial register still exists, the inscription has apparently disappeared. The record of the burial—the ceremony was performed by Ph. Guille, the curate—is as follows: "M. Gilbert Imlay fut enterré le vingt quatrième jour de Novembre mil huit Cent vingt huit, âge de 74 ans."

records covering the years 1796 to 1828.⁹⁴ The fact that Imlay is not a Jersey name would, however, give color to the theory that the Imlay of the inscription is also Imlay the soldier of fortune, who had, perhaps, sought here a mild climate in which to spend his last days.

⁹⁴ For information concerning public records and family names in Jersey I am indebted to Mrs. A. Messervy, of St. Saviour's. As Imlay's name does not occur in the *Registre des Contrats*, it is hardly possible that he owned any land in Jersey. The fact that there is no trace of him in the Rolls of the Royal Court would indicate that he was not engaged in any kind of litigation—and this consideration, one is tempted to conclude, forms a very strong reason for believing that he could not have been long in the island. Nor is there any will recorded under his name in the Rolls of the Ecclesiastical Court. And finally, to make the difficulty baffling, there seems to be no newspaper notice concerning him for the end of 1828.

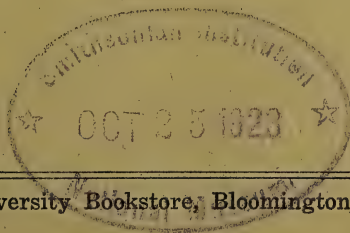
INDIANA UNIVERSITY STUDIES



Study No. 58

THE GALL WASP GENUS *NEUROTERUS* (Hymenoptera).

By ALFRED C. KINSEY, Assistant Professor of Zoölogy,
Indiana University.



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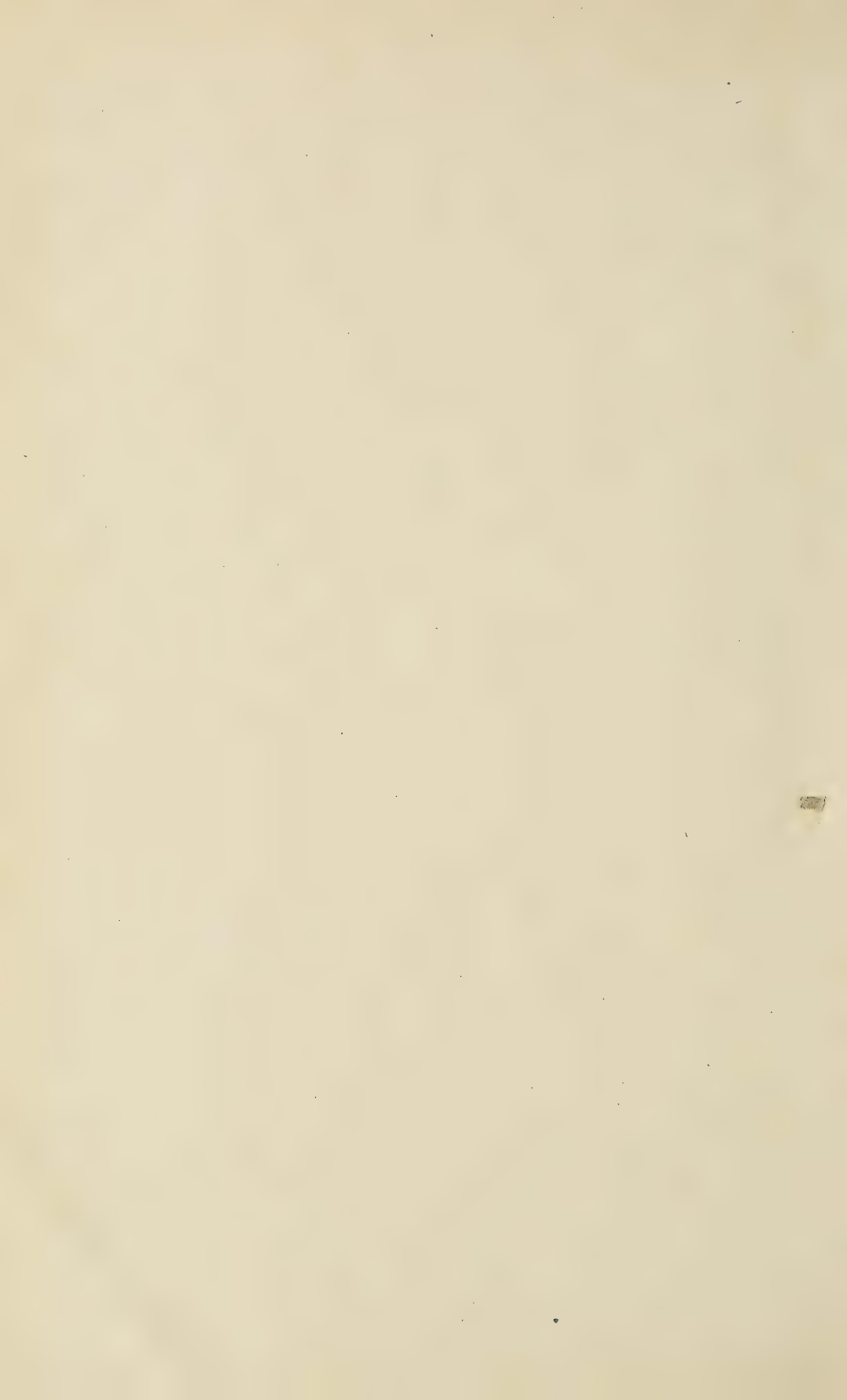
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Indiana University.



The Gall Wasp Genus *Neuroterus* (Hymenoptera)¹

By ALFRED C. KINSEY, *Assistant Professor of Zoölogy in
Indiana University*

NEUROTERUS is one of the most primitive of the genera of those Cynipidæ which are restricted to oaks, and is therefore of general interest in its exhibition of the origins of the more remarkable characters and biologic phenomena found in the higher gall wasps. Considerable evolution has occurred within the genus, and probably some degenerative evolution, and with the additional quantity of data which the detailed taxonomic study of any group will furnish, there is enough matter of general import to warrant the present revision.

This paper proposes a new classification of the known species of the world, recognizing 6 subgenera (3 new names); treats 63 American forms (all known) in detail, with an arrangement of species and varieties, 23 of which are previously undescribed, furnishes bibliographies and comparative descriptions, critically examines host and distribution data, figures galls of all of the species, and figures details of important insect structures; summarizes our knowledge of life histories, giving indirect information on the life histories of 31 varieties the data for which have been previously unknown or unrecognized; and summarizes in the paragraphs immediately following that part of the study which has the most wide biologic interest.

The sources of my information have been the published data, material and field observations from my own collection, and material and observations from a number of museums and personal correspondents. I have seen paratypes of all but 11 of the 63 varieties, and I can make well-founded interpretations of all but 1 of those not represented by types. I have made a clear statement wherever I have not seen type material of any variety. In most cases I have seen good

¹ Contribution from the Zoölogy Department of Indiana University Number 197 (Entomological Number 5).

series from several localities, in some cases having examined several thousand specimens of a variety.

A large part of my collection was obtained during 1919 and 1920 while I held a Sheldon Travelling Fellowship from Harvard University, and I am greatly indebted to the Harvard authorities and particularly to Dr. William Morton Wheeler of the Bussey Institution. This is my third paper based in part on this material (see also 1922, *Bull. Amer. Mus. Nat. Hist.*, XLVI, pp. 279-295, and 1922, *Ind. Univ. Studies*, 53, pp. 1-171), and since only a small part of the collection has yet been studied, it is evident that very valuable help was given in this Fellowship. A representative collection of my material is being deposited in Harvard's Museum of Comparative Zoology.

Dr. J. T. Patterson, of the Zoology Department of the University of Texas, is investigating gall wasp cytology, in connection with which he has made a full collection of the cynipid fauna near Austin, Texas, and he is making experimental studies of life histories. Dr. Patterson has been remarkably liberal in furnishing me with material and data from his observations; 12 of the forms described in this paper and many of the data come from the Patterson collection, and that source still has a wealth of unpublished material. Some of the observations now published will be further described at a later date by Dr. Patterson, who should be given all of the credit for whatever comes from him in the following pages.

Mr. Frank A. Leach, of Piedmont and Diablo, California, a retired newspaper man, formerly Director of the San Francisco Mint and formerly Director of U.S. Mints, has given me very valuable help for a couple of years in the study of Cynipidæ. Mr. Leach and his son E. R. Leach have collected for me at many widely scattered points in California, they have sent material from diverse faunal areas and hosts, and have at times sent many thousands of specimens of particular species. Details of the data in this paper accredited to Mr. Leach often round out important information, and I have not yet been able to study most of this material. Our science owes much to the help of men who have had the interest and taken the time to turn aside from other affairs to help in the accumulation of entomologic data.

Mr. S. A. Rohwer and Mr. L. H. Weld, of the U.S. National Museum, have been liberal in loaning paratypes and in several instances in securing data for me from the National Museum collections, and have been very helpful in their advice on certain questions. Dr. Henry Skinner and Mr. E. T. Cresson Jr., of the Philadelphia Academy, have given me most valuable help in obtaining paratypes of the many Bassett species; without the opportunity to study these paratypes, this paper would have been so very incomplete as to have made publication unwarranted at this time.

The Indiana University authorities and the faculty of this Zoology Department have continued their support, offering time, materials, and encouragement without which the work would have been long delayed. I have been loaned or given material of *Neuroterus* by Dr. Lutz and Mr. Mutchler of the American Museum, Dr. McCracken of Stanford University, Dr. Anderson of the Missouri Botannic Gardens, Prof. Essig and Mr. C. T. Dodds of the University of California, Dr. Felt, State Entomologist of New York, Mr. Johnson of the Boston Society of Natural History, Prof. T. D. A. Cockerell of Boulder, Colorado, Dr. W. E. Britton, State Entomologist of Connecticut, Prof. A. Trotter of Portici, Italy, Dr. Charles Sajo of Hungary, Dr. Runar Forsius of Fredricksberg, Finland, and some others acknowledged in the proper connections. Mrs. I. T. Wilson and Miss F. D. Flemion have done the enormous amount of work necessary in the mounting and labelling of my material, most capably helping in an indispensable part of the study. Finally, Mrs. Kinsey has helped in the proof reading, and contributed the sort of encouragement and council which is of inestimable value. Enough help has been brought together to warrant the hope that this treatment may not be too incomplete a record of our present knowledge of *Neuroterus*.

In the comparative descriptions employed thruout this paper, in any instance only those characters are described which are of contrary quality to those of the related things. A taxonomic description is not a study in minute, external anatomy, and is most usable and easily comprehended when omitting all but essential items. Nevertheless a very complete description of any variety may be obtained by adding the descriptions of the species, subgenus, and genus to which it may belong.

In this study two terms, types and species, are used with their generic meanings, and not in the restricted senses usually employed in entomology. The term type is applied to both holotypes and paratypes and any other special sort of types, and I have used the more special terms wherever necessary. And a species is one or more varieties, and it is not the first variety described (the "typical" variety) as one might infer from the usual treatment of varieties. The descriptions and remarks under the specific titles should apply fully to all varieties of the species, and the typical variety should be treated just as specially as any other.

The perpetuation of an original *quercus* as part of a trivial name is not satisfactorily dealt with by the International Code of Nomenclature. Until the matter is finally treated by the Commission, I am completely eliminating *quercus* or *q.*, hyphenated or not, from specific names. This introduces no new element in the problems, inasmuch as the majority of American students have long followed this practice.

The holotypes of all but two of the new varieties are deposited with The American Museum of Natural History, and paratypes are distributed in many of the other museums, and in many cases will be available as loans or exchanges from my own collection.

CLASSIFICATION

A good classification must be based on all the available data. It is relatively easy to make a classification on the basis of characters of any one sort, but unfortunately it is more difficult to co-ordinate several sorts; and yet no classification is an adequate picture of conditions as they exist in nature if we refuse to consider any sort of expression of those conditions. For this reason in the present treatment of *Neuroterus* there is an attempt to recognize insect morphologies, gall characters (as an expression of insect physiology), the degree of differences between sexes, host and geographic distributions, life histories, and any other data available.

A classification of any number of items in biology should provide the most convenient system of cataloging compatible with the expression of our fullest knowledge of evolutionary

relationships. Again it is easier to catalog or to express relationships than it is to catalog and express relationships at once. The two functions are often intrinsically incompatible. The present arrangement is very evidently neither the best cataloging nor the fullest expression of the phylogeny, but is rather an attempt to reconcile the two. The Dalla Torre and Kieffer 1910 arrangement of *Neuroterus* species (Das Tierreich, XXIV, pp. 307-342) divides the Old World species from those of America, thereby effecting some more or less natural grouping. The Old World species of the subgenus *Spathegaster* are more or less accidentally grouped together because their life histories are known; the rest of the treatment is a tabular arrangement of all the published names, which ordering makes a good catalog only for a small group, and gives no information as to relationships. The Beutenmuller 1910 monograph of the American species (Bull. Amer. Mus. Nat. Hist., XXVIII, pp. 117-136) is wholly a tabular arrangement except that the adjacent positions of species with similar galls results in some cases in a correct expression of relationships. The chief criticism of the classification in that paper is its inconsistency in dealing with closely related but distinct things; some of those forms are treated as separate species (e.g. *batatus* and *noxiosus*; *niger* and *papillosus*; *vernus*, *bassetii*, *exiguus*, and *distortus*; etc.), while others which are fully as distinct are buried in synonymy (e.g. *exiguissimus*, *perminimus*). As long as no categories but genera and species are recognized in a classification, it will always be difficult to show the several degrees of relationships which actually exist in nature. For that reason I have employed subgenera and varieties in addition to species and genera, and altho there is often need of still further categories to show the actual degree of relationships, further subdivision would probably destroy the convenience of the catalog and the nomenclature. Fortunately we may often omit the use of the subgeneric name, and we may employ either the varietal or specific name as the needs of the occasion may warrant.

It is debatable what may be the number of the subgenera worth recognizing in the genus. The described species certainly belong to fourteen groups, but altho such an arrangement would best express relationships, it would be of little

value as a catalog of only a couple of dozen species. By ignoring some discrepancies (as few as possible), it has been possible to recognize the six subgenera given here. The scheme admittedly is not ideal, for three of the groups are monospecific, and a group like *Dolichostrophus* shows several distinct lines of evolution, but there will be several advantages apparent thru the paper. This amount of subdivision will be more warranted upon the addition of material (mostly varieties) not yet described. If the numbers of the species and varieties should become enough to warrant two genera, the division should be based on the differences between the European subgenera *Neuroterus* and *Spathegaster*.

There has not been extensive use of varieties in Cynipidæ; my previous paper (1922, Ind. Univ. Studies, 53) explains and illustrates the scheme employed here. It should be remembered that earlier students of American Cynipidæ have described 23 varieties of *Neuroterus* which have always been treated as distinct species except in those cases where Beutenmuller buried the distinct things in synonymy. By the employment of varieties I am open to both the charges of being a "lumper" and a "splitter", the former in my treatment of species, the latter in my recognition of varieties; but in any event the scheme is employed with consistency, and does portray the different degrees of relationships that actually exist.

There is such a great loss when a form which is actually distinct is put into synonymy, and it is so difficult to unscramble the literature later on, that I have become very wary of announcing synonyms. The three cases given in this paper (*consimilis*, *cupulæ*, and *gillettei*) are based on a direct study of type material, the insects apparently being identical, the type localities, hosts, emergence data, etc., being in accord.

VARIATION AND TAXONOMIC CHARACTERS

Because of the generally minute size, the smooth thorax without grooves (in most species), and the very simple nature of the galls, the genus *Neuroterus* furnishes fewer taxonomic characters than almost any other genus of Cynipidæ. Within each of the subgenera the species are remarkably uniform in appearance, and in consequence these insects are relatively poorly known, while the published descriptions are weighed

down with repetitions of generic characters. The understanding of the species will be possible only when related forms are directly compared, when one will accept a paucity of distinctive characters, and when every possible sort of available data is utilized.

In the external anatomy of the insects of *Neuroterus*, the total number of separate characters which show distinct variation between species is nearly 50. This includes all the characters that any student has ever used except a few which are to be measured only by inconveniently refined methods or which are so microscopic or hidden as to be unavailable without dissections. The use of comparative descriptions makes it possible to readily count the average numbers of the characters which vary in particular groups.

50 vary in the genus.

27 vary in the subgenera.

17 vary in species of *Dolichostrophus*.

10 vary in species of *Diplobius*.

9 vary in varieties of *Neospathogaster*.

7 (4-10) vary in varieties of *Dolichostrophus*.

5 (4-7) vary in varieties of *Diplobius*.

These statistics must be considered approximations, for it is to some degree a matter of individual opinion as to what constitutes a distinct character, and further the differences in magnitudes of the several characters affect their importance. Nevertheless, several generalizations are evident. Altho a large number of variable characters are available, only half the number varies even between subgenera, and a very small number vary in any lower category. A taxonomic group must not be recognized in whole by the relative number of its variable characters, but here is some evidence that in this genus the degree of similarity of varieties, for instance, is about double the similarity of species, and species are twice as similar as subgenera. It is noteworthy that both the species and varieties of the subgenus *Diplobius* are distinctly more similar than those of the related group *Dolichostrophus*.

These figures give only the total numbers of variable characters; an examination of the particular characters shows that practically all of them may at times vary, some varying in one species or subgenus, while entirely different ones are

the variable elements of other species or subgenera. It is only in small part true that certain characters furnish the basis for subgeneric, others for specific, and still others for varietal distinctions, and we must discard this much-used idea if our classifications are to show anything like evolutionary relationships. A certain few characters, however, are the ones which vary most often; these are the size of the eye, the antennal and leg coloration, the mesonotal and mesopleural sculpturing, the size of the areolet, and the total length of the insect, and these in general furnish the most diagnostic characters. In a few instances, however, as with the areolet in the species *irregularis*, these very characters are the ones showing so much individual variation that they are worthless for taxonomic use. The males are in every case more distinctive than the females. Much of the preceding data will have added interest upon the publication of the corresponding data for other cynipid genera, when, I may now suggest, some amount of agreement and some disagreement will be found as to the nature of variation within different groups.

The degree of similarity of the females and males is considerably different in the several species. Thus the average number of characters in which the males differ from the females is

9 (6-10) for *Dolichostrophus*.

7 for *Neospathogaster*.

5 (4-7) for *Diplobius*.

There is a noteworthy difference between the close similarity of the sexes in a species like *vernus* or *niger*, and the considerable disagreement in *irregularis*. In practically all of the varieties of a species there is the same amount of secondary sexual diversity, but in *N. vesicula cerinus* and *N. niger alimas* there is more diversity than is found in the other varieties of those species.

This morphologic variation data should be compared with the variation shown by that part of the physiology of the insect which is reflected in the gall structure.

Subgenera insects vary considerably, galls moderately.

Dolichostrophus insects vary moderately, galls slightly.

Diplobius insects vary slightly, galls considerably.

Variety insects vary slightly, galls only rarely.

As regards both subgenera and varieties, insect morphology and gall characters vary uniformly, the galls being a little less diagnostic. But between the species of *Dolichostrophus* and *Diplobius* there exists the striking condition of the insects being in the first instance more characteristic than the galls, and in the second instance the galls much more characteristic than the insects. An abundance of data I have not yet published shows that this is a very fair picture of variation thruout the Cynipidæ. This is of importance to consider in connection with the prevalent neglect of all but morphologic data. In groups of insects (or other organisms) where physiologic data are unavailable or ignored, there must be much taxonomic work which is poorly established. On the basis of morphology alone, *Dolichostrophus* could be worked quite thoroly, while *Diplobius* would be handled very inadequately. In general the galls of varieties are not distinctive, but there are exceptions. Of the 63 American varieties known, 11 have galls which are distinguishable from those of related varieties, while in at least one instance, *N. verrucarum pulvinus*, the gall is distinct while the insect is practically indistinguishable from that of another variety.

The variations of the modes of reproduction, hosts, and geographic distributions of these insects are treated under special headings.

PHYLOGENY

If classifications had to rest wholly upon insect morphology, *Neuroterus* would be a very difficult group to work with, and at some points impossible to understand. But good taxonomy, if it is to deal with whole organisms and if it is not to confine itself to cataloging any certain few aspects of those organisms, must utilize every manifestation of the specific nature of the protoplasm of the material. Physiologic functionings, products of physiologies, behaviors and host and geographic distributions (which are reactions to stimuli), express the specific identity as exactly as the morphology. In attempting to discover the phylogenetic relationships of the species treated in this paper, the following data have been employed, with the indicated interpretations:

The degree of similarity of morphologic structures in general indicates the degree of the relationship.

The third antennal segment is most primitive when most nearly the size of the fourth.

The third antennal segment of the male is most primitive when least curved.

A considerable reduction in size indicates specialization.

Both an entirely smooth thorax and one very much sculptured indicates specialization.

Considerable enlargement of the eye, as often in the male, indicates specialization.

The toothed tarsal claw indicates specialization, but is by no means an invariable consequence of specialization.

The closer the similarity of the female and male, the more primitive the species.

Polythalamous galls are more primitive than monothalamous galls (except anther galls).

The smaller the amount of hypertrophy the more primitive the gall (with exceptions).

Inseparable galls are more primitive than separable galls (except anther galls).

Regular form and special structures (unless an increased pubescence, not long wool) indicate specialization.

Similarity of very simple galls is no indication of relationships but rather an expression of similar primitiveness.

The more limited the number of different plant tissues ever affected, the more specialized the species.

The greater the number of species or (more particularly) the number of groups of oaks serving as hosts, the more primitive the insect.

The greater the number of faunal areas (not the square miles) in its range, the more primitive the insect.

The more nearly equal the numbers of the sexes in a bisexual generation, the more primitive the species.

Two bisexual generations alternating in a year are more primitive than bisexual and agamic in alternation, and two agamic generations in a year are more specialized.

The more dissimilar the galls of alternate generations (making allowances for differences in plant tissues attacked, direct seasonal effects such as rate of growth, etc.), the more specialized the species.

Some of these conclusions are generally accepted in entomology. Some of those which apply particularly to Cynipidæ

have been discussed in an earlier paper of mine (1920, Bull. Amer. Mus. Nat. Hist., XLII, pp. 357-402). Still others are based on more recent data which will have to be explained in a special paper if the present treatment of *Neuroterus* does not furnish sufficient evidence. There are other sources of phylogenetic data which are not available in this genus.

From the above methods of reasoning, *Neuroterus* appears to be, on a whole, a very primitive genus, having the closest relatives in such groups as *Compsodryoxenus*, *Bassettia*, and *Plagiotrichus*. But in many respects, *Neuroterus* shows a very separate evolution from any other Cynipidæ, some amount of specialization being indicated by the extreme reduction of the thoracic sculpturing, the reduction of size, the restriction to white oaks, and the occurrence of heterogeny (with complete agamy in some species?).

Neuroterus must be rated as quite but not entirely primitive, having had both a forward and a degenerative evolution. It belongs to the more primitive of the oak-inhabiting Cynipidæ, and in consequence furnishes much information on the phylogeny of characters of higher gall wasps, but it is not entirely representative of the ancestral type of these Cynipini. The genus is on a whole a compact unit, the species in some regards being remarkably uniform, but in some other regards having had sufficient evolution to afford much interesting material for study. In this respect, *Neuroterus* is not as compact a group as *Disholcaspis*, *Amphibolips*, or *Heteræcus*, but there has been less evolution in this genus than in *Diplolepis*.

The detailed study of the phylogeny of each of the species of *Neuroterus* is made in the following pages in connection with the taxonomic descriptions, and the whole is summarized in figure 1 at the end of the paper; and the utilization of this information in a scheme of classification has been treated in the preceding paragraphs.

HOST RELATIONS

The genus *Neuroterus* is strictly confined to white oaks (*Lepidobalanus*), and this is the most interesting aspect of its host relations. That this genus does not occur, as do the most primitive Cynipidæ, on a variety of herbaceous plants, and that there is a restriction to a single subgenus of the

oaks, mean that *Neuroterus* is more specialized than some of its other characteristics would suggest; and yet all groups of white oaks are affected, rather than a single group as with some higher Cynipidæ (e.g. *Heteræcus*, *Adleria*). Two black oak species, *Neuroterus laurifoliæ* Ashmead and *N. longipennis* Ashmead have formerly been included in this genus, but the treatment of these in the last pages of this paper shows that they do not belong to our present genus. We now know enough varieties of *Neuroterus*, and know our black oak fauna well enough to warrant a prediction that no *Neuroterus* will be found on black oaks, and that this genus of insects may well be used (as may other cynipid genera also) for recognizing the relationships of the species of oaks. Thus the inclusion of *Quercus chrysolepis* among the hosts of *Neuroterus* would further confirm the opinion that it is a white oak, and the exclusion of *Q. Emoryi* and *Q. hypoleuca*, together with the infestation of these by the cynipids *Amphibolips* and the black-oak group of *Plagiotrichus*, might definitely settle any debate as to the affinities of these two oaks.

Fifty-five of the described American varieties of *Neuroterus* are restricted to single hosts, only 8 being found on two hosts, while none are found on more than two hosts.

N. albipleuræ, *N. nigripes*, and *N. opacus* occur on both *Q. stellata* and *Q. breviloba*.

N. irregularis and *N. variegatus* occur on both *Q. alba* and *Q. stellata*.

N. restrictus occurs on both *Q. Chapmanii* and *Q. Margetta*.

N. saltatorius and *N. pacificus* occur on both *Q. lobata* and *Q. Douglasii*.

In all these cases the two oak species concerned are recognized to have very close affinities and occur in the same faunal area, which will account for the break-down in the ordinarily specialized sensory physiology (choice of place of oviposition) of the insects.

In any single geographic region, any one oak does not have more than one variety of any cynipid species. This is true with only 4 apparent exceptions in this genus.

N. inficiens and *N. opacus* occur on *Q. breviloba*.

N. nigripes and *N. pattersoni* occur on *Q. stellata*.

N. opacus and *N. pulvinus* occur on *Q. stellata*.

N. cerinus and *N. ocularis* occur on *Q. stellata*.

All of these cases are from Central Texas, where two faunal areas are probably involved, and these may not be exceptions to the rule, even tho this is not yet proved by working out the limits of these areas. This is evidence of considerable weight of the importance of isolation in the evolution of species. Even those physiologic qualities which are responsible for the restriction of each variety to a single host provide a sufficient isolation. Of course isolation is probably not the cause of the variation, as much as it prevents wide crossing, favors inbreeding, reduces the rigor of any struggle for existence, and in other ways favors the development and fixation of a new type.

Further analysis of the host distributions of American *Neuroteri* are probably of less value because of our lack of collection data. Thus, three species, *contortus*, *floricola*, and *decipiens*, are know from only a single oak each, but further collecting may be expected to show that their varieties occur on related oaks. Sixteen varieties are found on *Q. stellata*, and 12 on *Q. alba*; no other oak is known to have more than 7 and several oaks have only 1 or 2 varieties. This is in part an expression of the number of faunal areas covered by each of these oaks, but also in part a record of the thoroness with which we have collected. For the same reasons it is premature to analyze the distribution of the *Neuroterus* species among the groups of white oaks. The definition of these oak groups can probably be made on the basis of cynipid affinities, but *Neuroterus* as yet furnishes only a few suggestions. For convenience in accumulating data, in my descriptions I have employed the following very tentative grouping of oaks, based in part on *Neuroterus* data, in part on the several botanical treatments (see particularly Cobb, 1915, Proc. Amer. Phil. Soc., LIV, pp. 165-175).

White oaks, *Q. alba*

Q. Chapmani

Q. Margaretta

Q. lyrata

Q. macrocarpa

Q. stellata

Q. breviloba (may be distinct)

Q. bicolor

Chestnut oaks, *Q. Muhlenbergii*

Q. Michauxii

Q. Prinus

Q. prinoides

Eastern evergreen oak, *Q. virginiana*

Rocky Mountain oaks, *Q. Gambelii* and forms

Q. undulata and forms

Southwestern live oaks, *Q. arizonica*

Q. reticulata

Q. grisea

Q. oblongifolia (?)

A unique species, *Q. chrysolepis*

Pacific Coast oaks, *Q. dumosa*

Q. durata

Q. Engelmannii

Q. lobata

Q. Douglasii

Q. garryana

This must not be considered a final treatment of the oaks. It is convenient now because if a species has a variety occurring on one oak of a group, related varieties may be expected on each of the other oaks of that group. This appears true as far as our present data go, but our information is very incomplete.

GEOGRAPHIC DISTRIBUTION

The genus *Neuroterus* is recorded from practically all of the oak areas of the world. Altho no material is yet recorded from Mexico and Central America, nor from most parts of eastern Asia, the occurrence in the first connection in the southern portions of the United States, and in the later connection in Bengal and Japan leaves no doubt that the genus is as cosmopolitan as the oaks. The wide distribution is some evidence of the relatively primitive nature of the group.

It has been interesting to find that no one of the subgenera is found in both the Old World and America, three groups

being found in each place. The biologic separation of Europe and America has been long enough to allow distinct evolutions. But this isolation could not have occurred before the origin of two, primitive, ancestral types which were the sources of all (but one?) of the subgenera. The European subgenus *Neuroterus* is more closely related to the American subgenera *Diplobius* and *Dolichostrophus* than to the other European groups; and the European *Spathegaster* is closely related to the American *Neospathegaster*. The European *Pseudoneuroterus* is more distinct, but shows relationship to *Spathegaster*. Each of the three subgenera which are confined to the Old World contains only one or a very few species. The number of monospecific groups in that region is very striking; the explanation should be sought in the geography and geology and, in the case of Cynipidæ, in the oak host distributions. It is proper that European workers have shown some hesitancy in establishing separate genera (or subgenera), for single species, but a comparative study of the *Neuroterus* species of the whole world warrants it.

One of the American subgenera is monospecific, but each of the others has several species. Some of these may be due to some former separation of eastern and western North America, and to the present-day isolation of our Pacific Coast; but the number of species occurring in the relatively uniform eastern United States, with as many as six to nine species sometimes on a single host (*Q. alba*, *Q. stellata*, *Q. breviloba*), makes it difficult to explain the larger number of the American species as due to either the variety of geographic areas or host species.

The distribution of the American species is as follows:

- 4 occur from the Atlantic to the Pacific.
- 7 are restricted to Eastern North America.
- 3 are restricted to Western North America.
- 2 are restricted to the Southwest (Mexican).

Probably the principal change to come with additional knowledge will be the extension of the ranges of some of the species now known only from the eastern United States. Two of the transcontinental species occur in *Diplobius*, and two occur in *Dolichostrophus*. It is moreover certain that some species are not transcontinental, for two pairs of species,

irregularis and *decipiens*, and *minutus* and *quercicola*, are very evidently eastern and western equivalents of two primitive types. This phenomenon is found in several other instances in Cynipidæ outside of this genus. The two areas, roughly divided by meridian 100, are not sharply separated by present-day geography; in attempting to account for them we should consider differences in rainfall, in the species of the oaks, and particularly in the geologic histories.

The distribution of varieties may be summarized quite strictly. Each faunal area has only a single variety of any species on any single host. There are no exceptions in the 63 varieties known, altho in Central Texas (as at Austin and Yoakum) where two areas meet, two varieties of a species may be found on the same tree. The general rule is abundant proof of the effectiveness of geographic and host (and other) isolations in preserving and fixing new species or varieties. My definition of faunal areas is based on my own studies of gall-making Cynipidæ of all groups, and on the relatively small amount of published data which appears to be based on actual taxonomic work. But the rule as to the geographic isolation of varieties is only slightly dependent upon our definition of faunal areas. The abundance of geographic regions of restricted size which contain only a single variety of a species on a given host, the abrupt and completely changed characters of the clearly related variety in the next geographic area, and the uniformity of boundaries between areas for the varieties of practically all cynipid species, leave no room for doubting the reality of faunal areas.

LIFE HISTORIES

The alternating generations of 13 varieties of *Neuroterus* are known, representing 1 or 2 European species and 7 American species. The European life histories are based on Adler's experimental work, but no American life history has been experimentally determined except in the cases Dr. Patterson is studying, incomplete reports of a couple of these being given in this paper. It is possible to make predictions as to the alternation of 8 of the American species representing 34 described varieties.

The heterogeny of *Neuroterus* species is so very simple that it becomes possible to predict life histories on the basis

of data which would be too meager for use in some other genera. These predictions are, admittedly, very liable to be wrong in some cases, and are probably incorrect in details for all cases, but they will probably prove of much value if it is remembered that they are always liable to corrections from experimental data. There are many thousands of varieties of Cynipidæ in the world (most of them as yet undescribed); the experimental determination of a life history is a long and difficult matter; and if we are ever to know these histories, we may not reject any clue as to just where to look for the information. The predictions made in this paper are based on the following considerations:

Alternating galls will be very similar in this genus; they are not greatly different in the cases experimentally studied in the subgenus *Spathegaster*, and are practically identical in the cases known by direct observations in *Diplobius* and *Dolichostrophus*.

Different plant tissues will be attacked as different tissues are most available at the season for oviposition of each generation; the gall structure will in consequence vary to some degree. See the paragraphs on gall polymorphism.

The hosts of the two generations will be the same; this is true for most of the life histories known thruout Cynipidæ, and the exceptions are open to question.

Only one faunal area will be occupied by the two generations. This is obviously true.

The insects of each generation will be morphologically very similar or identical; they are very similar in the European cases, and nearly identical in the American cases already known.

An agamic female will differ from the bisexual female mainly in its slightly enlarged abdomen and the consequently greater length of the whole body and the proportionately shorter wings, and in ovipositor differences. These constitute the main differences in all the known cases.

If one generation is agamic, the other bisexual, the agamic will occur in the fall and winter, the bisexual in the spring. This is true for most Cynipidæ, and is true of all known cases in *Neuroterus*.

Life histories within subgenera will be more similar than between subgenera, and will be most similar for all the vari-

eties of a single species. This is in accord with all known cases in the genus.

None of these assumptions will appear radical, nor do they introduce anything new. The only advance comes in consciously formulating and deliberately applying these principles. These will need some modification if they are to be extended to other genera, and in the higher Cynipidæ it will be much harder to predict beyond our direct knowledge. We are fortunate in dealing now with such a primitive group as *Neuroterus*.

The more primitive condition would involve a succession of generations which were all bisexual. The occurrence of two successively bisexual generations in a year is not yet proved in Cynipidæ, but there is a suggestion that it may exist in *Neuroterus vesicula* where both a winter variety and a spring variety are known to be bisexual. There is no proof here, but a suggestion worth investigating. Most of the species with known life histories have a bisexual spring generation alternating with an agamic, over-wintering generation; the galls are always very similar, and the insects very largely identical. The dates of emergence of the two generations are much earlier for some species than for others. The males in the bisexual forms *irregularis* and *decipiens* are much reduced in numbers. Dr. Patterson has made the interesting discovery that the agamic generations of *N. contortus* and *N. rileyi mutatus* produce a few males, these appearing to be functionless. Here is a step which is intermediate between the more primitive and the more common life histories, and the details of Dr. Patterson's observations will have very great interest when they are published at a later date. Finally there is a suggestion, not yet proved, that in *saltatorius* (and *umbilicatus*?) we have two agamic generations coming in succession in a year. This would constitute the most highly evolved mode of reproduction, and one as yet proved for only the five species which Adler worked with.

Altho *Neuroterus* is primitive in several respects, there appears to be some specialization in reproduction, with such wide variation in the group that we may yet find that we have all steps in the evolutionary story within this single genus.

GALL POLYMORPHISM

One of the most unexpected discoveries coming from the study of this genus is that the galls of a single variety may be polymorphic.

With few exceptions, as far as published, each cynipid species has been known from only a single type of gall (alternating generations of higher forms excepted), and we have usually felt warranted in determining the species of the gall maker from the character of its gall. The gall has appeared so typical for the insect that we have agreed that its form must be determined by the peculiar physiology of the insect rather than by the nature of the plant tissue, and we have generally accepted the idea that the galls express the specific nature, the generic relations, and the degree of evolution of the insect, irrespective of the plant tissue attacked (see my summary in 1920, *Bull. Amer. Mus. Nat. Hist.*, XLII, pp. 365-369). All of this is undoubtedly true to a large extent. But it now develops that the plant tissue is to a considerable degree responsible for the form and the amount of hypertrophy of the galls of several species of *Neuroterus*, as it may be also for galls of some other primitive Cynipidæ.

In the following instances, more than one type of gall is inhabited by a single *Neuroterus*.

5 types by *N. quercicola pacificus* (figs. 51, 55, 57, 60, 63).

2 types by *N. quercicola washingtonensis*.

2 types by *N. minutus* (between two varieties) (figs. 44-46).

3 types by *N. vernus* (figs. 24-25).

2 types by *N. dubius clarkeæ* (figs. 53, 54).

This is probably only a very partial list of the polymorphism that occurs in the genus. Detailed accounts are given with each of the varieties in the body of this paper. To illustrate with the most extreme case yet known: the galls of the bisexual generation of *N. quercicola pacificus* are either flower stem or leaf midvein, polythalamous swellings, varying as they occur on either *Quercus lobata* or *Q. Douglasii*; and the agamic generation of the same insect inhabits twigs, either not producing a gall or producing a good-sized, woody, polythalamous gall, or else inhabits acorn cups where a mono-thalamous, slight swelling is all that is produced!

It appears that wherever the gall-producing capacity is primitive the insect will produce little hypertrophy, the form of the gall will not be restricted by any very specific insect physiology, and the choice of tissues in which to oviposit will not be restricted by peculiar sensory physiologies to the extent found among higher Cynipidæ; but on the contrary any actively growing tissue available at the season will be utilized in oviposition, and the relatively small amount of hypertrophy will assume a form determined by the plant tissue. In all of these instances, the two or more forms of galls occur on different tissues, indicating that the nature of the tissue is largely responsible for the result. This is most evident from a study of those instances of polymorphism which ever include galls produced on anther tissue. In every one of these cases, the anther gall is a small, seed-like, egg-shaped, thin-walled, hollow capsule, irrespective of the forms of other galls which the same insect produces on other tissues. An examination of all the known anther galls confirms the opinion that the anther is capable of producing little else than this capsule, particularly if it is only a primitive insect which attacks it. These simple capsules are inhabited by *Neuroterus dubius clarkeæ* (at times), *N. vernus exiguus* (at times), *N. floricola*, *Plagiotrichus exiguus*, *Andricus gigas*, *A. pulcher*, *A. blastophagus*, and the European species *A. fœcundatrix pilosus*, *A. nudus nudus*, *A. beyerincki*, *A. cerri*, *A. burgundus*, and *A. occultus*. Clustered masses of similar capsules are found in *Neuroterus minutus pallidus* and in *Andricus serricornis*. Less similar but of essentially the same structure, are the galls of *Andricus dubiosus*. The diversity of these insects will be more apparent if it is remembered that the genus *Andricus* is an assemblage representing several lines of evolution. Only a very few galls of any other form are described from anthers, and I have not been able to examine material enough to be certain that it is not the stamen stem, the flower bracts, or the ament stem itself which is involved in the apparent exceptions.

If one should need any further proof that it is the plant tissue and not the insect which determines the forms of these galls, that proof comes from *Neuroterus vernus exiguus* and *Plagiotrichus exiguus*, where only two kinds of galls, an anther capsule and an ament stem swelling, are produced,

and where I have found *both* insects inhabiting *both* kinds of galls! This observation is recorded further under *exiguus*.

The discovery of these instances of gall polymorphism came thru the use of comparative descriptions and the recognition of varieties. The phenomenon must now be searched for in all primitive Cynipidæ, but it very probably must not be expected in the higher gall wasps. Gall polymorphism has probably been responsible for many misdeterminations where too much dependence has been placed on the character of the gall, and in some surprising instances has been the reason for the creation of complete synonyms among the species of *Neuroterus*. Dr. Patterson has discovered some evidence in Cynipidæ that male-producing and female-producing insects (females) of the agamic generations of a species may live in different kinds of galls, and this should be investigated in connection with gall dimorphism and with the galls of what I have called physiologic species.

NUMBER OF SPECIES

There is considerable significance in the rate of discovery of the species and varieties of *Neuroterus* occurring in the United States. The record may be summarized by twenty year periods as follows:

By 1863, 3 varieties, 3 species were known.

By 1883, 9 varieties, 4 species were added.

By 1903, 17 varieties, 6 species were added.

By 1923, 34 varieties, 3 species were added.

The rate of discovery of species has considerably decreased since 1890, and it would appear that we may expect a further decrease in the future. Probably not more than a couple of dozen species of *Neuroterus* exist in the United States; and Mexico, with its extensive, unexplored oak areas, will probably add only moderately to this number, for faunas closely related to those of even more southern Mexico are to be found in parts of the southern United States.

The rate of discovery of the varieties has, on the other hand, distinctly increased, and promises no retardation for a considerable time. We have an apparently reliable means of computing the number of varieties which may exist for the species already described. Since, as I have shown in

previous paragraphs, related varieties of a species are to be expected on each of the oaks of any group of oaks affected; and since not more than one variety ordinarily occurs on each of these oaks in a single faunal area; and since each of the faunal areas of the United States will have a distinct variety if the host of the insect is found in that area: then, giving each oak a number representing the faunal areas in which it occurs, and adding the numbers of all the species of the group or groups affected by the *Neuroterus* species, we should have the number of the possible varieties. There are a number of factors which interfere with the use of this method, and thruout I have tried to be very conservative in making estimates. Thus, I have not considered two geographic regions distinct unless I have abundant data which indicate that we never get the same cynipid from the two. I have not considered two oaks distinct in these connections if we ever get the same cynipid on them. Thus, I have considered *Q. lobata* and *Q. Douglasii* as one thruout these estimates; *Q. durata* is not counted distinct from *dumosa*; *Q. stellata* and *Q. breviloba* may have the same faunas in their more eastern Texas ranges; *Q. stellata*, *Q. Chapmanii*, and *Q. Margaretta* have been counted as one in the extreme southeast. My interpretations of faunal areas and oaks have been based on my data for all groups of Cynipidæ, and not on *Neuroterus* alone. On a whole it is very probable that these estimates are not too high, even when they total the figure of about 680 varieties possible in the United States for the 16 species now known. The detailed estimates are given with the descriptions of each of the species.

Allowing for the discovery of additional species, the exploration of Mexico, the addition of Europe, Asia, and particularly southeastern Asia, we may estimate that a thousand different living insects belong to this genus. Only about 83, or 8 per cent, are yet described from the whole world! Of the 680 estimated for the United States, only 9 per cent are known in spite of the collecting we have already done here. How true a reflection may this be of our knowledge of insects in general? I am inclined to think it is nearer an average than is generally believed. It is true that the development of distinct varieties is favored in the Cynipidæ by their host isolations, but the same is often true of other phytophagous

or parasitic insects. Cynipidæ are very largely restricted to the relatively limited areas of the world which are inhabited by oaks, and many other groups of insects occur over a larger number of faunal areas. The failure to recognize with any consistency the rather slight but orderly variations between related forms; the hesitancy of many students, especially beginners, to believe that the form in hand may be undescribed; and the failure to conceive the extent of the unexplored world,—have certainly delayed our earlier knowledge of the mere existence of things. Even if *Neuroterus* is extreme in its development of varieties, the recounting of its possibilities may not encourage too dangerous a state of mind among entomologists.

Neuroterus Hartig

Cynips (in part) Linnæus, 1758, Syst. Nat., ed. 10, pp. 343, 553.

Neuroterus + *Spathegaster* Hartig, 1840, Germar Ent. Zeit., II, pp. 185, 186, 192, 194.

Neuroterus Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 50; 1910, Das Tierreich, XXIV, p. 307. Beutenmüller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 117.

Neuroterus + *Dolichostrophus* Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 129. Dalla Torre, 1893, Cat. Hymen., II, p. 37. Ashmead, 1903, Psyche, X, p. 151.

Further restrictions of these terms are given under each subgenus.

FEMALE.—The following characters apply to all species of the genus: **HEAD:** More or less as broad as the thorax; cheeks narrower than to protruding behind the eyes; malar space very narrow to moderately wide with an indistinct or distinct furrow; mouthparts of lighter color than the front; front almost smooth to finely roughened, rougher between the ocelli; face always more rough to finely rugose, and naked to hairy. Antennæ brown, with the two to four basal segments usually lighter (if the thorax is piceous to black) or entirely yellow (if the thorax is brown or yellow rufous); finely pubescent; with 13 to 15 segments, the third segment not greatly longer than to twice the length of the fourth, the last slightly longer than the preceding, or twice as long and indistinctly divided. **THORAX:** Usually about as high as wide, and from slightly longer than to twice as long as wide; usually entirely black to piceous, sometimes in part or wholly yellowish brown; mesonotum usually smooth and shining, less often entirely shagreened, usually naked of hairs, less often moderately hairy, usually without traces of lines or grooves, less often with more or less indefinite traces of these; scutellum usually small, rounded to elongate, the surface more or less matching the mesonotum, not separated from the mesonotum by a suture, the groove at the base smooth, arcuate, not forming foveæ;

pronotum narrow, not usually visible from above, laterally somewhat rougher than the mesonotum; mesopleuræ smooth to finely roughened, roughest dorsally. ABDOMEN: Usually agreeing in color with the thorax, smooth, shining, naked, shrivelling, the individual segments almost never visible in dried specimens; smaller to larger than the thorax, rounded to triangulate, produced dorsally or ventrally or not at all, borne on a usually very short petiole, the hypopygium distinct but not large, the ventral spine usually very short, less often moderately small, the ventral valves usually toward the vertical, only the very tips ordinarily visible. LEGS: Black with lighter joints, to wholly yellow, the tips of the tarsi always dark; minutely pubescent, most hairy if the thorax is hairy; tarsal claws usually very fine and simple, sometimes of moderate weight and distinctly toothed. WINGS: Quite clear, rather long, rarely clouded; ciliate, the anterior margin either ciliate or not; veins lighter or darker brown, the cubitus and discoideus lighter; areolet large to small and closed, placed symmetrically below the apex of the cell, or placed asymmetrically to one side along the cubitus; cubitus usually continuous, meeting the basalis at the midpoint except rarely; radial cell more or less completely open, almost always long, more or less narrow, the terminal portion usually of moderate length, reaching the margin; the second abscissa of the radius about straight, slightly curved near the margin; the first abscissa straight, arcuate or angulate, usually without a projection. LENGTH: 0.6-3.0 mm.

MALE.—Not known and probably not existent for a few species; in most cases known, then agreeing in color with the female, or the legs and antennæ are lighter, or most of the body is lighter; eyes often more or less enlarged, the cheeks and malar space in consequence reduced; antennæ lengthened, usually with an additional segment, the third usually not longer than in the female, decidedly larger in a few cases; curved or not; abdomen very small, elongate, angulate, moderately long petiolate; areolet of the same or of a different size from that of the female; radial cell as open as or more closed than in the female.

GALL.—Relatively simple, with usually a small amount of hypertrophy (or even none); often irregular in shape and without peculiar structures, but sometimes of definite but simple form with a few, simple, special structures; usually polythalamous, in fewer species monothalamous; usually inseparable, in some species separable; the larval cell with a distinct but inseparable lining; a single species sometimes affecting several different plant tissues, some species confined to a particular part of the plant; the several species affecting all of the several parts of an oak; occurring on all species of white oaks, but restricted to white oaks.

RANGE.—Cosmopolitan, wherever oaks occur.

The summarized characteristics of this genus are given in the introductory paragraphs of this paper. The genus as here treated has quite the same limits as those given by other students of Cynipidæ, altho a division into subgenera has been introduced.

The structures most typical of the insects of this genus are the furrow at the base of the scutellum, there being no foveæ, the absence of a suture separating the scutellum from the mesonotum, and the relatively smooth mesonotum without lines or grooves (traceable in 3 of the smallest subgenera). It should be remembered that the males, in specific and varietal characters, are more distinctive than the females.

The following key is based on all of the sorts of data available for the taxonomic treatment of *Neuroterus*, and is in accord with our knowledge of the phylogeny of the species. A fuller picture of the phylogeny is given in figure 1; and the best linear arrangement of the American species may be taken from the key. For convenience of reference, the ordering of the detailed descriptions of subgenera, species, and varieties in the body of the paper is alphabetic within each group.

1. With practically no traces of parapsidal grooves; tarsal claws very fine, simple (very weakly toothed in *contortus*); ventral spine very short; areolet placed symmetrically below the apex; length 0.6-2.2 mm. 2
- With traces of parapsidal grooves; tarsal claws of more moderate weight, simple or toothed; ventral spine more evident; areolet extending mostly to one side of the apex; length 1.5-3.0 mm. 3
2. Malar furrow quite evident; antennæ with 13 segments; length 0.6-1.5 mm.; male colored largely as the female, the eyes hardly enlarged, the third antennal segment not enlarged nor curved; thorax not more elongate; gall inseparable or separable, polythalamous or monothalamous; North America; alternating galls nearly identical; generations bisexual and agamic, or both of one type.

Subgenus **Diplobius**, 5

Malar furrow almost or entirely lacking; antennæ with 14 segments; length 1.0-2.2 mm.; male colored largely as in the female, the eyes much enlarged, the third antennal segment not longer but curved; galls simple, polythalamous, or single cells; exclusively Old World species.

Subgenus **Neuroterus**

Malar furrow quite evident; antennæ with 13 segments (14 in *dubius*); length 1.2-2.2 mm.; male usually with

more yellow than in the female; eyes enlarged (little or greatly); third antennal segment usually lengthened and curved; thorax more elongate than in the female; galls simple swellings, inseparable, usually polythalamous (monothalamous in *dubius*, and always on anthers and cupules); North America; alternate generations largely identical except that one is bisexual, the other agamic (or largely agamic).

Subgenus **Dolichostrophus**, 11

3. Eyes of female rather large, considerably enlarged in the male, cheeks narrow, not protruding beyond the eyes; mesonotum in large part naked; galls on leaves, buds, or bark, always separable, monothalamous. 4
Eyes small, the cheeks broad, protruding beyond the eyes; antennæ with 14 segments, the third hardly longer than the fourth; mesonotum wholly hairy; gall a woody stem swelling, inseparable, polythalamous; Old World species.

Subgenus **Pseudoneuroterus**

4. Malar furrow distinct; antenna with 14 segments, the third hardly longer than the fourth; the third distinctly curved in the male; tarsal claws simple; male with radial area closed; galls globose, in buds or on bark; eastern North America.

Subgenus **Neospathegaster**, 18

Malar furrow faint; antenna with 15 segments (14 in a few individuals), the third half again as long as the fourth; the third hardly curved in the male; tarsal claws toothed; male with radial area open; galls on leaves, with more specialized forms; Old World species.

Subgenus **Spathegaster**

Subgenus *Diplobius*

5. Mesonotum or mesopleura or both finely roughened; leaf and stem galls, polythalamous, monothalamous only if on anthers. 6
Mesonotum and mesopleura smooth and shining; leaf galls, always monothalamous. 7
6. Mesonotum and mesopleuræ finely roughened; male largely brown and yellow; galls are anther capsules; California; on *Q. Douglasii*. **N. floricola**

Mesonotum smooth, mesopleuræ entirely, very finely roughened; male colored as the female; galls polymorphic, polythalamous swellings of stems or leaves, or monothalamous anther capsules; eastern North America; very similar, agamic and bisexual generations alternate.

N. vernus

- a. Antennæ brown, brownish yellow basally; areolet rather large; northeastern U.S.; on *Q. alba*.

var. **bassettii**

- b. Antennæ dark brown, straw color basally; areolet quite large; northeastern U.S.; on *Q. bicolor*.

var. **distortus**

- c. Antennæ wholly straw yellow; areolet moderate; Texas; on *Q. stellata*.

var. **evanescens**

- d. Antennæ brown, straw yellow basally; areolet larger; northeastern U.S.; on *Q. stellata*.

var. **exiguus**

- e. Antennæ brown, brownish yellow basally; areolet smaller; northeastern U.S.; on *Q. prinoides*.

var. **tectus**

- f. Antennæ brown, paler basally; areolet large; Middle West; on *Q. macrocarpa*.

var. **vernus**

7. Third antennal segment hardly longer than the fourth; galls simple and inseparable (more or less separable and wool-covered in *verrucarum*); alternate generations (?) very similar in insects and galls; bisexual and agamic.

8

Third antennal segment twice the length of the fourth; galls entirely separable, of distinctive form; alternating generations very similar (all generations agamic?).

10

8. Eyes rather larger, cheeks narrow; first abscissa rather angulate; galls wholly inseparable, naked of hairs.

9

Eyes smaller, cheeks wider; first abscissa in most varieties (not all) more arcuate; galls rather separable, covered with wool.

N. verrucarum

- a. Antennæ very dark basally; areolet large; galls small, the papilla on the upper surface large; northeastern U.S.; on *Q. alba*.

var. **exiguissimus**

- b. Antennæ brownish yellow basally; areolet larger than a moderate size; gall typical; northern Middle West; on *Q. bicolor*.

var. **floccosus**

- c. Antennæ brown basally; areolet rather large; galls more flattened, the papilla on the upper surface small; Central Texas; on *Q. breviloba*. var. **inficiens**
 - d. Antennæ brownish yellow basally; areolet smaller than a moderate size; galls typical; eastern Texas, etc.; on *Q. macrocarpa*. var. **macrocarpæ**
 - e. Antennæ lighter brown basally; areolet rather small; galls typical except papilla on upper surface largely lacking; southeastern U.S.; on *Q. virginiana*. var. **minutissimus**
 - f. Antennæ lighter brown only on second segment; areolet smaller than a moderate size; galls typical; eastern Texas, etc.; on *Q. stellata* and *Q. breviloba*. var. **opacus**
 - g. Antennæ brownish yellow basally; areolet smaller than a moderate size; galls typical; northeastern U.S.; on *Q. bicolor*. var. **pernotus**
 - h. Antennæ lighter brown only on the second segment; areolet of moderate size or smaller; galls distinct, with only a slight pubescence, hardly separable, with no papilla on the upper surface; Texas; on *Q. stellata*. var. **pulvinus**
 - i. Antennæ lighter brown basally, yellowish only on the second segment; areolet of moderate size; gall typical; southeastern U.S.; on *Q. Chapmanii* and *Q. Margareta*. var. **restrictus**
 - j. Antennæ brownish straw basally; areolet of moderate size; gall typical, rather small; southeastern U.S.; on *Q. stellata*. var. **verrucarum**
9. Galls have an elevation like a "volcano" cone protruding on the under surface; on live oaks; in the Southwest.

N. howertoni

Galls are indicated by only slight swellings on either surface of the leaf; thruout North America; on all white oaks.

N. niger

- a. Rufo-piceous; areolet rather small; gall elongate, without a tip; Central Texas; on *Q. virginiana*. var. **alimas**
- b. Piceous to black; areolet moderately small; gall almost circular, with an indefinite tip; Southwest; on *Q. arizonica*. var. **arizonicæ**

- c. Black; areolet rather small; gall about circular, sometimes with an indefinite tip; southern California; on *Q. Engelmannii*. var. **engelmanni**
- d. Piceous black; areolet very small; gall slightly elongate, without a tip; Southwest; on *Q. grisea*. var. **grisea**
- e. Black; areolet rather large; gall circular, without a tip; Middle West; on *Q. macrocarpa*. var. **niger**
- f. Piceous to black; areolet of moderate size; gall very slightly elongate, with a distinct tip; Texas, etc.; on *Q. stellata* and *Q. breviloba*. var. **nigripes**
- g. Piceous; areolet very small; gall very elongate, without a tip; northeastern U.S.; on *Q. bicolor*. var. **papillosus**
- h. Light piceous; areolet less than a moderate size; gall entirely circular, without a tip; Texas; on *Q. stellata*. var. **pattersoni**
- i. Piceous black; areolet quite small; gall oval, rather elongate, without a tip; northern Middle West; on *Q. alba*. var. **perminimus**
10. Cubitus continuous; legs in no place darker than a yellowish brown; galls circular discs, centrally depressed, containing a central point; naked of hairs; eastern North America. **N. umbilicatus**
- Cubitus about discontinuous; legs in part brownish piceous; galls globular to ellipsoidal, seed-like cells, naked or pubescent; thruout North America. **N. saltatorius**
- a. Antennæ golden yellow basally; length to 1.2 mm.; galls globose, slightly elongate, finely pubescent; Texas; on *Q. stellata*. var. **australis**
- b. Antennæ light yellow basally; length not over 0.7 mm.; galls much elongate, distinctly pubescent; Southwest; on *Q. arizonica*. var. **decrescens**
- c. Antennæ light brown basally; length to 1.5 mm.; galls ellipsoidal, almost naked; western America on *Q. lobata* (and *Q. Douglasii?*). var. **saltatorius**
- d. Antennæ golden yellow basally; length 0.6-0.9 mm.; galls about globose, about naked; Texas; on *Q. virginiana*. var. **texanus**

Subgenus *Dolichostrophus*

11. Antennæ with 13 segments (14 only in rare individuals); leaf and stem galls always polythalamous; anther and cupule galls monothalamous. 12

Antennæ regularly with 14 segments, the third hardly half again as long as the fourth; male largely black, with the third antennal segment not lengthened, only slightly curved; galls monothalamous on both leaves and anthers; transcontinental.

N. dubius

- a. Mouthparts piceous yellow; legs light yellow and brownish; northeastern U.S.; on *Q. alba*.

var. **clarkeae**

- b. Mouthparts rufous; legs golden yellow except the piceous coxæ; central California; on *Q. lobata*.

var. **digressus**

- c. Mouthparts light rufous; legs wholly golden yellow; northeastern U.S.; on *Q. stellata*.

var. **dubius**

12. Thorax not more than half again as long as wide; cubitus reaching the basalis near the midpoint. 13

Thorax elongate, almost twice as long as wide; cubitus reaching the basalis below the midpoint; male brownish yellow; the galls are swellings 3. mm. or less high, lying along the stem; all of North America; on chestnut oaks.

N. rileyi

- a. Abdomen piceous brown; areolet distinctly small; length to 1.7 mm.; gall larger; Texas, Oklahoma; on *Q. Prinus*.

var. **atripleuræ**

- b. Abdomen piceous brown; areolet moderately small; length to 1.7 mm.; gall large; Central Texas; on *Q. Muhlenbergii*.

var. **mutatus**

- c. Abdomen black; areolet large; length to 2.0 mm.; gall larger; Middle West; on *Q. prinoides*.

var. **rileyi**

- d. Abdomen piceous brown; areolet large; length to 1.7 mm.; gall smaller; northeastern U.S.; on *Q. prinoides*.

var. **thompsoni**

- e. Abdomen piceous brown; areolet rather small; length 2.0 mm.; gall very small; more eastern Colorado; on *Q. Gambelii*.

var. **virgens**

13. Male with eyes not much enlarged, the third antennal segment not longer than in the female, only half again as long as the fourth; stem galls with distinct swellings.

14

Male with eyes distinctly enlarged; the third antennal segment distinctly longer than in the female, more than half again as long as the fourth; mostly leaf galls, in some cases slight stem or ament swellings, or anther or cupule cells.

15

14. Mesonotum and mesopleuræ mostly (not wholly) smooth; female mostly brown and yellow; tarsal claws very weakly toothed; radial cell shortened; male with the third antennal segment distinctly curved; the galls are irregular stem swellings at the crowns; Texas; on *Q. breviloba*.

N. contortus

Mesonotum and mesopleuræ finely roughened; female mostly black; tarsal claws simple; radial cell elongate; male with the third antennal segment only slightly curved; the galls are more or less woody swellings on upper stems; eastern North America.

N. batatus

- a. Antennæ brownish yellow basally; thorax broader than the head; areolet moderately large; northeastern U.S.; on *Q. alba*.

var. batatus

- b. Antennæ golden yellow basally; thorax as broad as the head, areolet moderately small; northeastern U.S.; on *Q. bicolor*.

var. noxiosus

- c. Areolet about closed; eastern Texas; on *Q. stellata*.

var. obtusilobæ

- d. Antennæ straw yellow basally; thorax as wide as head; areolet moderately small; northeastern U.S.; on *Q. Prinus*.

var. prini

15. Third antennal segment of female half again or a little more than half again as long as the fourth; in the male only moderately curved; galls polymorphic, on various plant tissues.

16

Third antennal segment of female about twice as long as the fourth; in the male considerably curved; galls are leaf swellings.

17

16. Legs of female almost wholly light yellow; male with third antennal segment twice as long as the fourth; eastern North America. **N. minutus**
- a. Coxæ wholly light yellow; galls on *Q. alba*.
var. **minutus**
- b. Coxæ in part piceous; galls on *Q. bicolor*.
var. **pallidus**
- Legs of female in part brown or black; male with third antennal segment something more than half again as long as the fourth; western North America.
- N. quercicola**
- a. Antennæ brownish yellow basally; the areolet of moderate size; pleuræ of male piceous brown; in more eastern Colorado; on *Q. Gambelii*. var. **congregatus**
- b. In more southern California; on *Q. dumosa*.
var. **fragilis**
- c. Antennæ light yellow basally; the areolet moderately small; pleuræ of male brownish yellow; Central California; on *Q. lobata* and *Q. Douglasii*. var. **pacificus**
- d. Antennæ light brownish rufous basally; the areolet very small; Southwest; on *Q. grisea*. var. **pubescens**
- e. Antennæ golden yellow basally; areolet quite small; Utah; on *Q. Gambelii*. var. **quercicola**
- f. Antennæ golden yellow basally; areolet of moderate size; northern Pacific Coast; on *Q. garryana*.
var. **washingtonensis**
17. Antennæ basally and legs golden yellow; abdomen wholly black; male with head yellow; eyes moderately enlarged, the third antennal segment hardly longer than 1+2; galls with individual cells evident externally; California; on *Q. douglasii*. **N. decipiens**
- Antennæ basally and legs yellow or straw white; abdomen in part piceous; male with head black; eyes greatly enlarged, the third antennal segment half again as long as 1+2; galls with the individual cells not visible externally; eastern North America. **N. irregularis**
- a. Male with mesonotum dark brown only anteriorly; the scutellum often as wide as long; Texas, on *Q. breviloba*.
var. **albipleuræ**

- b. Male with mesonotum mostly brown to blackish; scutellum longer than wide; southeastern U.S.; on *Q. alba* and *Q. stellata*. var. **irregularis**
- c. Male with mesonotum entirely yellowish brown; scutellum longer than wide; northeastern U.S.; on *Q. alba*. var. **majalis**
- d. Male with mesonotum brown anteriorly, yellow posteriorly; scutellum longer than wide; eastern Texas, Oklahoma, etc.; on *Q. alba* and *Q. stellata*. var. **variegatus**

Subgenus *Neospathegaster*

18. Only one species is known, with the characters of the subgenus. **N. vesicula**
- a. Antennæ brown basally in the female, rufo-brown in the male; legs largely dull, light yellow; areolet small; length to 2.0 mm.; bud galls; northeastern U.S.; on *Q. prinoides*. var. **affinis**
 - b. Antennæ bright yellow basally; legs largely golden yellow; areolet of about moderate size; length to 2.7 mm.; bark galls; Texas; on *Q. stellata*. var. **cerinus**
 - c. Antennæ brownish yellow basally; legs largely golden yellow; length to 3.0 mm.; bud galls; Texas; on *Q. stellata*. var. **ocularis**
 - d. Antennæ brownish yellow basally; legs largely golden yellow; length to 2.5 mm.; bud galls; northeastern U.S.; on *Q. alba*. var. **vesicula**

Neuroterus subgenus **Diplobius**, new subgenus

FEMALE.—Eyes of moderate size, not protruding beyond the cheeks; cheeks of moderate width or narrow; malar space very narrow with a shallow furrow; face only finely hairy; antennæ always with 13 segments, the third usually not much longer than the fourth; thorax of moderate size, only a little longer than wide and high; entirely black to piceous; mesonotum mostly smooth and shining (except in *floricola*), without traces of lines or grooves, naked of hairs; scutellum rounded, not much longer than wide, naked or hairy; mesopleuræ usually, not always smooth; abdomen small, only a little larger than the thorax, rounded to triangulate; ventral spine almost lacking; legs in part dark brown, the tarsal claws very fine, simple; wings clear, ciliate, more or less not ciliate on the anterior margins; areolet placed symmetrically below the apex; radial cell more or less narrow; the first abscissa more or less sharply bent near the subcosta; length 0.6-1.5 mm.

MALE.—Relatively quite similar to the female, colored very largely the same, generally a little lighter piceous, the legs lighter in color; the eyes only a little enlarged; the third segment of the antenna not longer than in the female, not at all curved; abdomen smaller but not as small as in *Dolichostrophus*; areolet more or less larger than in the female.

GALL.—A relatively simple, slight development of various plant tissues; varying between three types: (1) inseparable and polythalamous, the gall producing relatively little hypertrophy, irregular in outline, and usually covered with normal epidermal tissues without special developments, internally more or less solid with tissue; (2) inseparable, simple, single larval cells buried in the tissue, entirely hollow, not producing much hypertrophy, covered with normal epidermal tissues without special structures unless an increased pubescence; (3) separable, monothalamous, cells of definite form but simple, without special structures unless an increased pubescence, internally entirely hollow; on all growing tissues of oaks.

RANGE.—America, probably wherever white oaks occur.

TYPE.—*Cynips floccosa* Bassett = *Neuroterus* (*Diplobius*) *verrucarum floccosus* (Bassett).

This subgenus is known from 7 American species, *vernus*, *niger*, *howertoni*, *verrucarum*, *saltatorius*, *floricola*, and *umbilicatus*, representing 33 varieties, but these seven species should have a total of 370 varieties in the United States, estimating from the faunal areas and the hosts involved which regularly isolate distinct varieties. The addition of varieties from North America beyond the United States, or the discovery of new species, will still further swell the list. Only one new species, a Pacific Coast insect, has been added to this group since 1892, the other additions being varieties. Of the seven species known, one is confined to the Pacific Coast, one to the Southwest, and three to the eastern half of the United States, while two occur from the Atlantic to the Pacific. The group does not appear to occur in the Old World, where the subgenus *Neuroterus* is, however, closely related.

Diplobius species are all very closely related, making a very compact group. The insects are so similar that in many cases it will be very difficult to make determinations without examining the galls; the only insect which departs from the type is *floricola* of the Pacific Coast. On the contrary, the galls of the several species are quite distinct, and the specific classification must be based largely on this physiologic data. Varieties of a species are, with only one exception, best distinguished on characters of insect morphology, and the galls

do not vary to any degree between varieties. This is in contrast to the subgenus *Dolichostrophus* where the species are best distinguished on insect morphology.

Within the subgenus, the galls show some evolution from the polythalamous, inseparable, indefinitely formed *vernus* galls to the monothalamous, separable, definitely formed *umbilicatus* galls. The species between may be arranged in mostly one linear series which is, of course, too ideal probably to represent the real paths of evolution. But at the best the galls remain simple. These simple galls, the very close similarity of the sexes of a species and of the forms of alternate generations, are the best indicators of the relatively primitive position of the group, more primitive than either *Neuroterus* or *Dolichostrophus*, to which in many respects our present group is related. *Batatus* is here treated as a *Dolichostrophus*, but it does show some considerable relationship to *Diplobius*. The males of all these groups are more distinctive than the females. The best characters for recognizing *Diplobius* adults are the developed malar furrow, the third antennal segment which is hardly longer than the fourth in either the female or the male, the simple tarsal claws, size under 1.5 mm., often under 1.0 mm., and the close similarity of the male and the female.

Directly alternating generations are described for only two of the varieties, belonging to two species, but other agamic and bisexual varieties are known in the species *niger* and *vernus*, and may be predicted with considerable certainty for their 14 described varieties. In these cases the alternating insects are practically identical except for their modes of reproduction, and occur in galls which are almost identical except where some variation is introduced by occurrence on different tissues. Two species, *howertoni* and *verrucarum*, are known only from an agamic form, while *floricola* has only a bisexual form described. It does not seem that the alternates of any of these three have been described; it will be interesting to find if they occur, as seems likely, in similar galls in the two generations. A remarkable addition to our knowledge of reproduction in this genus may come if we prove, as now seems to be indicated, that two species, *umbilicatus* and *saltatorius*, have all of their generations agamic, altho they have two generations yearly.

Neuroterus cockerelli Beutenmuller

Figure 36

Neuroterus cockerelli Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 125, pl. XI, fig. 10. Felt, 1918, N.Y. State Mus. Bull., 200, pp. 82, 104, fig. 107 (10).

The original description is as follows:

FEMALE.—Head, thorax and scutellum black, shining and microscopically crackled and wrinkled, more distinctly so at the sides of the head and thorax. Antennæ 13-jointed, slender, first, second and third joints pale yellowish, remaining joints dusky brown. Thorax without grooves. Scutellum with a broad transverse groove at the base. Abdomen shining, smooth, pitchy brown black or wholly black. Legs: Femora and tibiæ dark brown, joints pale, coxæ and tarsi pale yellowish. Claws black. Wings hyaline, veins distinct, brown. Areolet large. Cubitus reaching the first cross-vein. Length, 1.25 to 1.75 mm.

GALL.—On the leaves of a species of oak. Hemispherical or subhemispherical, pale brown, minutely crackled, hard and flattened at the base. Width, 4 mm.; height, 2.50 mm. (fig. 36).

HABITAT.—Manitou, Colorado (T. D. A. Cockerell).

I have been unable to secure any certain information as to this name. The type may be in the Beutenmuller collection, and is unavailable to me. This is the only published name in the American groups of the genus which I have not been able to interpret. From the original description one might place the insect in *Diplobius*, and it may be a variety of *sal-tatorius*. Professor Cockerell has sent me what appeared to be galls similar to the material he had sent Beutenmuller; these galls were on *Q. Gambelii*; they fitted the original description and figure, but they contained insects related to *Dryophanta eburnea* Bassett. The original description of the insect does apply to a *Neuroterus*, but the possibility of the insect having been wrongly connected with the gall must be considered when some student of Cynipidæ has an opportunity to study the Beutenmuller type. In the statistics given thruout this paper, I have treated *cockerelli* as some variety, instead of a distinct species.

Neuroterus (Diplobius) floricola Kinsey
bisexual form

Figure 23

Neuroterus floricola Kinsey, 1922, Ind. Univ. Studies, 53, p. 101.

FEMALE.—Cheeks of moderate width, eyes small; mesonotum entirely, finely roughened with a very obscure indication of anterior par-

allel and lateral lines; mesopleuræ entirely but very finely roughened; abdomen rather angulate, higher than long, slightly produced dorsally; legs brownish yellow, dark brown on the centers of the coxæ, femora, and hind tibiæ; areolet very small; the first abscissa angulate-arcuate; length 1.0-1.3 mm.

MALE.—As described for the subgenus, but also differs from the female in being largely brown; yellow on the face, the legs (wholly so), and (at least) the base of the antenna.

GALL.—A small, egg-shaped capsule in the ament. Monothalamous, rarely two or three more or less fused. A modified anther, each capsule egg-shaped, almost smooth, microscopically coriaceous, drying brownish yellow, averaging 1.5 by 0.7 mm.; thin-walled, entirely hollow. Scattered in the aments of *Quercus Douglasii* (fig. 23).

RANGE.—California: Three Rivers. Probably occurs thruout the range of *Quercus Douglasii*.

TYPES.—10 females, 3 males, 27 clusters of galls. Holotype female, paratype females, male, and galls at the American Museum of Natural History; paratype females, males, and galls in the Kinsey collection; paratype females and galls at the U.S. National Museum and Stanford University; paratype galls at the Museum of Comparative Zoology and the Philadelphia Academy. Labelled Three Rivers, California; March 23, 1920; *Q. Douglasii*; Kinsey collector.

This gall appears very early in the spring, the adults probably emerging a short time after the buds open on the oak. The species probably has an alternate, agamic generation. It is so closely related to the other species of the subgenus *Diplobius* that, as with them, the alternate should be a leaf vein or petiole swelling. As pointed out in the introduction to this paper, the monothalamous, precisely formed anther gall is not as specialized as it looks, but is the inevitable result of a simple proliferation of anther material.

Neuroterus (Diplobius) howertoni Bassett

agamic form

Figures 37, 38

Neuroterus Howertoni Bassett, 1890, Trans. Amer. Ent. Soc., XVII, p. 90. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51.

Neuroterus howertonii Dalla Torre, 1893, Cat. Hymen., II, p. 42.

Neuroterus howertoni Cockerell, 1900, Southwest (N. M. Normal Univ.) II, p. 113. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 122, pl. XI, fig. 6. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 338, 813. Thompson, 1915, Amer. Ins. Galls, pp. 13, 40. Felt, 1918, N.Y. State Mus. Bull., 200, p. 84, fig. 107 (6). Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 199.

FEMALE.—Cheeks narrow, eyes quite large, the malar space in consequence reduced; mesonotum and mesopleuræ entirely smooth; abdomen a little larger than the thorax, angulate, not produced dorsally or ventrally; legs bright yellow at the joints and on the tarsi; areolet somewhat larger than a moderate size; the first abscissa rather sharply angulate but bent close to the subcosta; length 1.2 mm.

GALL.—A small, eruptive swelling on the under surface of the leaf blade. Each "monothalamous", up to 1.5 mm. in diameter. The larval cell closely imbedded in the leaf, without a distinct wall, the gall evident on the upper surface only by a very slight, papilla-like swelling, colored more yellowish or brown than the leaf blade; on the under surface forming a more distinct, cone-shaped swelling with a central depression, resembling a "volcano" cone; more often leaf color on the under surface, and not pubescent except with the microscopic pubescence normal to the leaf. In numbers on each leaf, on *Quercus virginiana* and other live oaks (figs. 37, 38).

RANGE.—New Mexico (Bassett). Texas: Austin, Leander, Skidmore, Hondo. Possibly distinct varieties occur in the two states.

TYPES.—3 or 4 broken females and galls at the Philadelphia Academy. From New Mexico; on a live oak; W. J. Howerton collector.

This is practically a physiologic species, for the insect is not satisfactorily distinct from *niger* or *verrucarum*, differing in a few characters which appear only of varietal importance in this portion of the genus. The galls, altho quite suggestive of *niger* are so distinct that they ought to be considered a separate species, especially since the same oaks over the same region bear typical *niger* galls. In a similar situation with *Neuroterus verrucarum pulvinus* I gave only varietal rank to the physiologic group, but we as yet have so little insect material of *howertoni* that I do not feel warranted in too definite an opinion as to relationships.

Bassett's type material was from an undetermined oak, which it would now appear was *Q. grisea*. The distinct host, *Q. virginiana*, from which my material came, may isolate a distinct variety, and the two faunal areas involved may further effect isolation, but altho I have insects from all three of the Texas localities, they are not sufficient for varietal studies. My galls contained larvæ in the first half of December and gave adults at some later date, probably in early spring. Dr. Patterson has cut adults from galls in the last of December. As Bassett stated, the insects emerge from the lower surfaces of the galls, but the normal, central depression should not be mistaken for an exit hole. Bassett's qualified suggestion that the antenna may have 14 segments

was quoted as a definite observation by Beutenmuller, but I can count only 13 in my material, and this is the number normal for all species of this subgenus.

Neuroterus (Diplobius) niger Gillette

Figures 6, 7, 34, 35, 39, 42, 43

FEMALE.—Cheeks narrow, eyes rather large; mesonotum and mesopleuræ largely smooth; abdomen rather small, but a little larger than the thorax, a little longer than high, more rounded than triangulate, not produced either dorsally or ventrally; legs yellowish at the joints and on the tarsi; areolet of moderate size or smaller; the first abscissa more or less angulate; length 0.6-1.0 mm. (fig. 6).

MALE.—As described for the subgenus (fig. 7).

GALL.—A small, blister-like swelling in the leaf-blade. "Monothalamous", or at least each gall containing a single cell; sometimes two or more cells partially fused. Entirely inseparable from and very largely buried in the lamina of the leaf, the boundaries of the gall sometimes definite, sometimes very indefinite; on deciduous-leaved oaks the gall is usually less evident on the under surface of the leaf where there is only a slight swelling, the upper surface more defined and more elevated; the reverse is usually true of the evergreen oaks. Circular to elongate oval, from 0.7 to 1.7 mm. in diameter, the surface smooth and naked as the surface of the leaf. Internally entirely hollow, with a distinct and mostly inseparable lining. On leaves of probably every North American species of white oak (figs. 34, 35, 39, 42, 43).

RANGE.—Massachusetts to Texas and California. Probably thruout the Americas wherever white oaks occur.

This gall is not especially noticeable, but it does occur in great abundance. All species of white oaks, whether deciduous or evergreen, are affected. Usually a distinct variety occurs on each host in each faunal area, so there may be about 110 varieties in the United States. In addition to the nine varieties treated here, I have galls from *Quercus chrysolepis* and *Q. dumosa* in southern California, *Q. chrysolepis* in northern California, *Q. lobata* and *Q. Douglasii* in central California, *Q. oblongifolia* in southern Arizona, and from *Q. alba* and *Q. macrocarpa* in Massachusetts. These undoubtedly represent six undescribed varieties, which is still only a small sampling of the species! The varieties differ in only a few, well-defined respects, but there can be no excuse for not recognizing them. Four of them have previously been described as distinct species.

Four bisexual and six agamic forms of this species are

known. Altho in only a single instance, *pattersoni*, described in this paper, are the direct alternates known for any variety, it is perfectly obvious that all varieties may have forms of the two sorts here described. Beutenmuller, in 1910, mistaking the bisexual *perminimus* as a synonym of the agamic variety *niger*, made the statement that the species was "double-brooded" and combined into one the data for the two insects. "Double-brooded" is practically the correct statement, for the two forms differ only in being agamic or bisexual. The galls do not differ, and there is not even the difference in abdominal size and shape which is usually evident in the females of alternate forms of *Neuroterus*. The agamic generation starts growth in mid-summer or later, the galls maturing in August or later; insects do not emerge until well along in the following spring, from February to late May, depending on the locality. The bisexual form follows late in the spring, emerging in mid-summer, June thru July. The species differs from some others of the genus in having the emergence dates a month or two later for both forms.

***Neuroterus niger* variety *alimas*, new variety
bisexual form**

FEMALE.—Color generally rufo-piceous, the legs in no part darker than a very light brownish yellow; areolet rather small; length 0.7-1.2 mm.

MALE.—As described for the species; eyes much larger than usual; the third segment of the antenna slightly lengthened, very slightly curved.

GALL.—Rather slender, elongate, distinctly bounded on the upper surfaces; without a trace of a central point; often two cells somewhat fused; on *Quercus virginiana*.

RANGE.—Texas: Austin (Patterson coll.); Leander. Probably confined to a region in central Texas.

TYPES.—1 female, 15 males, and 3 galls. Holotype female, paratype males, and galls at The American Museum of Natural History; paratype males and galls in the Kinsey collection; paratype males at the U.S. National Museum, the Museum of Comparative Zoology, and the Philadelphia Academy. Labelled Austin, Texas; April 16, 1921; Patterson collection number 80.

Dr. Patterson states that this gall is very difficult to find. He bred adults, both males and females, on April 16, 1921. The male is peculiar in being more distinct from the female than in any other variety of this species. It suggests a rela-

tionship to the males of *Dolichostrophus*. A rather similar gall, *N. howertoni*, occurs on the same leaves with *alimas*, but *howertoni* galls have a hollow, cone-shaped eruption on the under surfaces of the leaves; the insects of the two are less distinct than their galls.

***Neuroterus niger* variety *arizonica*, new variety**
agamic form

FEMALE.—Color generally piceous black to black; the antennæ brownish yellow to brown basally; the areolet moderately small; length about 0.8 mm., more robust than *engelmanni*.

GALL.—Rather circular, slightly elongate, with only an indefinite trace of a point on the upper surface; the boundaries very indefinite, especially on the under surface; on *Quercus arizonica*.

RANGE.—Arizona: Bisbee, Fort Huachuca, Whetstone, Safford, Globe, Santa Catalina Mountains (Sabino Trail). New Mexico; Alamogordo. Probably thru Arizona, New Mexico, and adjacent Mexico, wherever *Q. arizonica* occurs.

TYPES.—7 females; 3 pins of galls. Holotype female, paratype female, and galls at The American Museum of Natural History; paratype females and galls in the Kinsey collection; paratype female at the U.S. National Museum. Labelled Bisbee, Arizona; January 15, 1920; *Q. arizonica*; Kinsey collector.

The insects probably do not emerge until late in January or February. I have galls but no insects from Alamogordo, New Mexico.

***Neuroterus niger* variety *engelmanni* Kinsey**
agamic form

Neuroterus engelmanni Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 293, pl. XXIV, fig. 4. McCracken and Egbert, 1922, Stanf. Univ. Publ., III (1), p. 11.

FEMALE.—Color generally black; the legs and antennæ brownish piceous, the antennæ dull straw color basally; areolet rather small; length 0.7-1.2 mm., averaging slender and smaller.

GALL.—About circular, with rather well-defined boundaries, often with an indefinite central point on the upper surface. On *Quercus Engelmannii* (fig. 39).

RANGE.—California; Alpine, Fallbrook. Probably confined to the limited range of *Quercus Engelmannii*, in Southern California and adjacent Mexico.

TYPES.—11 females and a great many galls. Holotype female, paratype females, and galls in The American Museum of Natural History; paratype females and galls at Stanford University and in the Kinsey collection; paratype galls in the U.S. National Museum, the

Museum of Comparative Zoology, the Philadelphia Academy, the California Academy, the Berlin Museum, and the British Museum. All of the females are broken. Labelled Fallbrook, California; February 26, 1920; *Q. Engelmannii*; Kinsey collector.

Larvæ were in these galls on February 24 and 26, 1920.

***Neuroterus niger* variety *grisea*, new variety**
agamic form

FEMALE.—Color generally piceous black; legs and antennæ in part piceous black, the antennæ light brown basally; areolet very small or closed; length probably a little less than 1.0 mm.

GALL.—A little more elongate than circular, with very poorly defined boundaries and not much thickening of the blade, perceptible mostly because of a discoloration, less perceptible on the under surface. On *Quercus grisea*.

RANGE.—Texas: Fort Davis. New Mexico: Hillsboro. Probably occurs in West Texas, New Mexico, and adjacent Mexico (and Arizona?).

TYPES.—3 females, 30 pins of galls. Holotype female and paratype galls at The American Museum of Natural History; paratype females and galls in the Kinsey collection; paratype galls at the U.S. National Museum, the Museum of Comparative Zoology, and at the Philadelphia Academy. The insects are broken, but total complete parts. Labelled Fort Davis, Texas; December 16, 1919; *Q. grisea*; Kinsey collector.

The insects probably did not emerge from the galls until early in the spring after collecting. The galls are indistinct and not at all noticeable; the insect is clearly different from other varieties; so it seems worth describing even tho the type material is not abundant.

***Neuroterus niger* variety *niger* Gillette**
agamic form

Neuroterus nigrum Gillette, 1888, 27th Rpt. Agric. Mich., p. 475, fig. 5; 1889, Psyche, V, p. 218, fig. 5; 1890, Proc. Iowa Acad. Sci., I, p. 56; 1892, Proc. Iowa Acad. Sci., I (2), p. 114. Ashmead in Nason, 1906, Ent. News, XVII, p. 8. Thompson, 1915, Amer. Ins. Galls, pp. 13, 41 (in part).

Neuroterus niger Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51; 1910, Das Tierreich, XXIV, pp. 331, 820, 826. Cook, 1910, Mich. Geol. and Biol. Surv. Bull., I, p. 30. Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 121, pl. X, fig. 1. Beutenmuller in Smith, 1910 (in part), Ins. N.J., p. 599. Felt, 1918 (in part), N.Y. State Mus. Bull., 200, fig. 81 (1). Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 294.

Neurotus niger Felt, 1918 (in part), N.Y. State Mus. Bull., 200, p. 82.

FEMALE.—Apparently (from the original description) is largely black in color, with the areolet rather large, the length 1.0 mm.

GALL.—Rather rounded, somewhat elongate, with well-defined boundaries, without a central point on the upper surface. On *Quercus macrocarpa*.

RANGE.—Iowa: Ames (Gillette). Illinois: Algonquin (Nason). Michigan: Lansing (Gillette). Possibly confined to a smaller area about Ames, Iowa.

TYPES.—Females and galls supposed to be in the collections of C. P. Gillette and of the Agricultural College at Ames, Iowa. From Ames, Iowa; *Q. macrocarpa*; Gillette collector.

I cannot locate the types of this variety. There are insects and galls in the Thompson collection, from Massachusetts on *Q. macrocarpa*, which fit the original description, but these may prove a distinct variety when we can make comparisons with types. Gillette stated that the galls of this agamic generation appear late in August; he collected his galls on October 20, 1887; adults emerged on May 10, 1888. The Thompson material also over-wintered in the galls, emerging about the middle of May. Beutenmuller's further data appear to be derived in part from variety *perminimus* which he considered a synonym of *niger*.

***Neuroterus niger* variety *nigripes*, new variety
agamic form**

FEMALE.—Color generally dark piceous black to black; almost black on parts of the legs and antennæ, the latter hardly lighter basally; areolet of moderate size; length 0.8-1-2 mm., decidedly larger than *pattersoni*.

GALL.—About circular, slightly elongate, very slightly larger than *pattersoni*, with less well-defined boundaries and with a distinct central point on the upper surface. On *Quercus stellata* and *Q. breviloba* (fig. 34, 42).

RANGE.—Texas: Austin, Leander.

TYPES.—12 females, many galls. Holotype female, paratype female, and galls at The American Museum of Natural History; paratype females and galls in the U.S. National Museum, the Philadelphia Academy, and the Kinsey collection; paratype galls in the Museum of Comparative Zoology. Labelled Austin, Texas; December 4, 1919; *Q. stellata*; Kinsey collector.

Larvæ were in the galls I collected on December 4, 1919. Dr. Patterson has made detailed observations on this species, finding that the young galls were evident on July 28, 1921,

maturing about the first of December; he secured adults about the first of March, 1921. Dr. Patterson has bred galls from both *Q. stellata* and *Q. breviloba*, and I cannot see any differences between the two lots of material. Another variety, *pattersoni*, also occurs at Austin on both of these oaks, but the insects and galls are always distinguishable. Evidently two faunal areas, meeting at Austin, have effected an isolation which is not accomplished by the two hosts.

***Neuroterus niger* variety *papillosus* Beutenmuller**
bisexual form

Neuroterus papillosus Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 121. Beutenmuller in Smith, 1910, Ins. N.J., p. 599. Felt, 1918, N.Y. State Mus. Bull., 200, p. 86, figs. 80, 81 (2). Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 294.

Neuroterus papillatus Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, pl. X, fig. 2.

FEMALE.—Color generally piceous rather than black; the antennæ brown, pale yellowish brown basally; the legs pale yellowish; the areolet very small; the length 0.7 mm.

MALE.—As described for the species.

GALL.—Elongate, quite slender, small, with fairly well-defined boundaries, without a trace of a central point on either side. On *Quercus bicolor* (fig. 35).

RANGE.—Rhode Island: Providence (in Thompson coll.). New York: Bronx Park, New York City (Beutenmuller); West Nyack (Felt in N.Y. State Mus.). Probably confined to a more northeastern area of the United States, on *Q. bicolor*.

TYPES.—Females, males, and galls in the Beutenmuller collection? Adults and galls, probably types, at The American Museum of Natural History. Adults at the Museum of Comparative Zoology. From Bronx Park, New York; *Q. bicolor*; Beutenmuller collector.

I have not been able to examine the types of this variety, and have made my descriptions from *Q. bicolor* material from West Nyack, New York, sent me by Dr. Felt. I have galls from the Thompson collection, from the typical host, from Providence. These agree with Beutenmuller's figure in being narrowly elongate, and quite distinct from the more circular galls of *niger* or *perminimus*. The cynipid fauna of *Q. bicolor* is usually unique, and it is not likely that this variety occurs on any other host.

***Neuroterus niger* variety *pattersoni*, new variety**
bisexual form *pattersoni*, new form

FEMALE.—Color generally light piceous; the legs and antennæ in no part darker than a light brown; the antennæ very light yellow basally; areolet a little less than moderate sized; length 0.6-1.0 mm., decidedly smaller than *nigripes*.

MALE.—As described for the species.

GALL.—Circular, not elongate, very slightly smaller than *nigripes*, with more well-defined boundaries and without a trace of a central point on the upper surface. On *Quercus stellata* (fig. 43).

RANGE.—Texas: Austin (Patterson coll.).

TYPES.—46 females, 69 males, and 8 pins of galls. Holotype female, paratype females, males, and galls at The American Museum of Natural History; paratype females, males, and galls at the U.S. National Museum, the Museum of Comparative Zoology, the Philadelphia Academy, Stanford University, the California Academy, and in the Kinsey collection. Labelled Austin, Texas; March 10, 1921 (galls), and May 7, 1921 (insects); *Q. stellata*; Patterson collection number 93.

Dr. Patterson, for whom this variety is named, collected and bred the type material. He states that in 1921 the gall first appeared March 10, the adults beginning to emerge on May 7. Dr. Patterson sent me records (a year ago) of breeding 453 females and 450 males, making the important observation that a single leaf of galls usually yields only a single sex of the wasp. The detailed record of these observations I should leave for Dr. Patterson to publish. It would appear that the agamic females are of two sorts, either female- or male-egg-producing. What is evidently the agamic form of *pattersoni* is described in the following paragraph.

Neuroterus niger* variety *pattersoni
agamic form *hiemalis*, new form

FEMALE.—Does not differ from the bisexual female unless in average size and the shape of the abdomen.

GALL.—Probably quite similar to that of the bisexual generation. On *Quercus breviloba*.

RANGE.—Texas: Austin (Patterson coll.).

TYPES.—3 females, no galls. Holotype female at the American Museum of Natural History; paratype females with the author. Labelled Austin, Texas; March 5, 1922; *Q. breviloba*; Patterson collection number 10 in small part.

This material, altho on a different host than the types of *pattersoni*, does not appear to differ in any respect from the

bisexual female. A difference in size and shape of the abdomen may be noticeable in large series, but we do not now have enough material to decide the point. The complementary dates of occurrence of the two forms, and their close identity make it quite certain that they are alternates. The occurrence on the two different hosts is not remarkable; probably both forms occur on both *stellata* and *breviloba* at Austin. This is true of variety *nigripes*, and care must be taken to distinguish *pattersoni* and *nigripes*; the characteristics in the descriptions are quite constant guides to both insects and galls.

Neuroterus niger variety perminimus Bassett
bisexual form

Neuroterus perminimus Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 332. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51; 1910, Das Tierreich, XXIV, pp. 332, 819, 826. Thompson, 1915, Amer. Ins. Galls, pp. 13, 41. Viereck, 1916, Hymen. Conn., p. 392. Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 294. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 201.

Neuroterus niger Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 121. Beutenmuller in Smith, 1910 (in part), Ins. N.J., p. 599. Felt, 1918 (in part), N.Y. State Mus. Bull., 200, p. 82.

FEMALE.—Color generally dark piceous to piceous black; the legs and antennæ a medium brown, the antennæ only limitedly lighter basally; areolet quite small; length 0.7-1.0 mm.

MALE.—As described for the species.

GALL.—Small, oval, rather elongate, with sharply-defined boundaries, without a trace of a central point on the upper surface. On *Quercus alba*.

RANGE.—Ohio: Rockport (Bassett). New York: New York City (Beutenmuller). Probably confined to a more northeastern part of the United States.

TYPES.—Females, males, and galls. Holotype female and paratype adults and galls at the Philadelphia Academy, paratypes in the Kinsey collection. From Rockport, Ohio; *Q. alba*; Bassett collector.

Bassett recorded mature galls on June 25, with adults emerging before July 10 in one year, and before June 28 in 1900. I have collected galls from the typical host, *Q. alba*, at Forest Hills, Massachusetts, which appear to belong to an undescribed variety, but insects and galls in The American Museum of Natural History, from *Q. alba* in New York City appear to agree with the types. Varieties in this species are

so similar that these records must not be trusted too fully for the definition of faunal areas. Beutenmuller made this a synonym of *niger*, altho even the published descriptions show that the two are distinct. On the same page, however, he described variety *papillosus* as a distinct species,—which is typical of the inconsistencies with which related things have been treated.

Neuroterus (Diplobius) saltatorius (Edwards)
agamic forms

Figures 2, 27-31

FEMALE.—Cheeks rather narrow, eyes of moderate size; antenna with the third segment twice as long as the fourth; mesonotum and mesopleuræ largely smooth; abdomen decidedly small, hardly larger than the thorax, triangulate, more or less distinctly produced dorsally; legs brownish piceous, yellow at the joints and on the tarsi; areolet quite small; cubitus indistinct or even discontinuous; the first abscissa rather angulate; length 0.6-1.5 mm.

GALL.—Small, seed-like, attached to the under surface of a leaf. Monothalamous, easily separable. Each cell globose or short oval, up to 1.2 mm. in diameter, smaller in most varieties, the surface microscopically roughened, in some varieties sparsely pubescent; greenish, becoming white and finally brown; with a fine point basally and sometimes a point apically, attached by the basal point to the blade of the leaf, often causing a break and a flaring rim of tissue on the leaf. Internally entirely hollow (at maturity). On white oaks except the chestnut oaks (figs. 27-31).

RANGE.—North America, from the Atlantic to the Pacific, wherever white oaks occur.

This tiny gall first attracted attention because it is made to jump several millimeters over the ground by the movements of a larva (gall-maker or parasite?) within the gall. These unusual activities have attracted several observers, and are the origin of a considerable body of literature, but it still remains to examine the matter in detail; most of the literature is a restatement of the original account of the movements. It may be questioned whether the jumping movements of these galls are due to activities of a cynipid or a parasite larva in the gall. Early observations were often made without distinguishing between these insects, and it will be a rather difficult matter to investigate. It is my experience that cynipid larvæ of most species are not as active as those of parasitic hymenoptera. Such jumping activities are also

known to occur with the European *Neuroterus saliens* (Kollar) and with the American *Andricus saltatus* Ashmead; in all of these cases the gall is separable from the leaf, small, thin walled, and entirely hollow except as filled by the contained larva, and probably these are all the conditions necessary to produce a "jumping gall".

The gall of the winter generation does not appear until early in the fall, maturing the very last thing before it falls to the ground; this is true for the undescribed Indiana, *Q. alba* variety, for the Texas *texanus*, and for the California *saltatorius*. The galls usually fall from the deciduous leaves, being easily detached, and lie on the ground over winter. They are more often permanently affixed to evergreen leaves. The insects emerge rather late in the spring. This agamic gall, of at least some varieties, appears to be greatly dependent upon the moisture of the ground during its final development, and it is consequently hard to rear the mature gall wasp, altho hymenopterous parasites are always reared in abundance. The alternate generation is not connected by experimental data, but incomplete observations on the California (and Texas?) variety indicate that the summer form occurs in a nearly identical gall also located on the leaf. This alternate gall appears late in the spring; insects, perhaps only agamic females, emerge late in the summer or early in the fall. It may be that both generations in this species are agamic (see *saltatorius*), and if this is definitely proved, it will be of considerable interest as the most specialized type of reproduction in the genus. This might be expected in the more specialized species, *saltatorius* and *umbilicatus*, rather than in others of the subgenus. This heterogeny further differs from that known for related species in having the dates of development and maturity of both generations later in the year.

Saltatorius is closely related to but more highly evolved than most other species of this subgenus. The galls show considerable specialization in being so highly separable from the leaf, and in being monothalamous, but I question whether the definite form indicates anything more than a simple larval cell. Wells (1921) shows a larval cell quite distinct from the wall of this gall; this may be true for a histologic examination at certain stages, but at least the mature gall does

not show a larval cell grossly distinguishable from the rest of the tissue. The insect is very closely related to the other American species of this subgenus, and most closely to *umbilicatus*, but the dorsally produced abdomen is unique to *saltatorius* and may again indicate some specialization.

Galls, undoubtedly varieties of this species, have been recorded from a wide range of localities and hosts, including, in addition to the described varieties, material from *Quercus alba*, *Q. stellata*, *Q. macrocarpa*, *Q. dumosa*, and *Q. garryana*, from Connecticut, New York, New Jersey, Ohio, Indiana, Missouri, Michigan, and Colorado. I have galls from localities in western Texas on *Q. grisea*, northern California on *Q. chrysolepis*, New Mexico on *Q. grisea* and *Q. Gambelii*, North Carolina on *Q. stellata*, and Indiana on *Q. alba*. The species then ranges across the continent, on white oaks including the evergreen species, but as far as known excluding the chestnut oaks. Almost seventy varieties of this species should occur in the United States. The following are the published references to undescribed varieties.

Neuroterus saltatorius Ashmead, 1890, Colo. Biol. Assoc. Bull., 1, p. 33. Lintner, 1891, 7th Rpt. Inj. Ins. N.Y., p. 309 (except California record). Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, pl. XI, fig. 9. Felt, 1913, N.Y. State Mus. Bull., 165, p. 105 (Michigan); 1918, N.Y. State Mus. Bull., 200, p. 106 (host records), fig. 107 (9). McCracken and Egbert, 1922, Stanf. Univ. Publ., III (1), p. 9 (*Q. dumosa* and *Q. garryana* records).

Neuroterus saltatorius variety *australis*, new variety

FEMALE.—Antennæ golden yellow basally; legs largely yellow including the coxæ, the front legs especially yellow, legs brown on the middle and hind femora and tibiæ; length 1.0-1.2 mm.

GALL.—Rather spherical, slightly elongate, without an apical tip; entirely but very finely pubescent; rather small; on *Quercus stellata*.

RANGE.—Texas: Austin (Patterson collector).

TYPES.—11 females, 12 pins of galls. Holotype female, paratype female, and galls in The American Museum of Natural History; paratype females and galls in the U.S. National Museum, the Museum of Comparative Zoology, the Philadelphia Academy, and the Kinsey collection. Labelled Austin, Texas; galls 1921, insects March 6 to 13, 1923; *Q. stellata*; Patterson collection 111.

The insects emerged from March 6 to 13, 1923. This gall has been known for some time, but the insect is not easily reared. Dr. Patterson secured only 11 females from many

thousands of the galls, parasites being reared however in considerable numbers. This is probably a winter generation, but the summer generation may also be agamic, in a very similar gall. A variety of *saltatorius* also occurs on *Q. stellata* in the Middle West and thruout the Atlantic States, but *australis* is very probably confined to a limited southern area west of the Mississippi. Until we get more locality records I cannot suggest whether this area is in Central Texas or in more Eastern Texas and the adjacent states.

***Neuroterus saltatorius* variety *decrescens*, new variety**

FEMALE.—Antennæ light yellow basally; legs light straw color at the joints and on the tarsi; length 0.7 mm., not larger.

GALL.—Elongate, twice as long as wide, up to 0.7 mm. in length; the surface microscopically roughened, irregularly set with a short pubescence; brownish or tinged purplish red; on *Quercus arizonica* (fig. 29).

RANGE.—Arizona: Bisbee, Prescott. Probably confined to *Q. arizonica* in a southwestern portion of the U.S. and adjacent Mexico.

TYPES.—Parts of 9 females, 14 pins of galls. Holotype female, paratype female, and galls at The American Museum of Natural History; paratype females and galls at the U.S. National Museum and in the Kinsey collection; paratype galls at the Museum of Comparative Zoology and the Philadelphia Academy. Labelled Bisbee, Arizona; January 15, 1920; *Q. arizonica*; Kinsey collector.

This insect is closely related to the other varieties of *saltatorius*, but the galls are so distinct as to suggest that *decrescens* may belong to a distinct species. Until we can breed more material from all of the pubescent, separable galls of the southwestern evergreen oaks, there will be a question as to their specific relations. This is true for the present insect and for an undescribed species producing a more spherical, more pubescent gall on *Q. grisea* in West Texas. *Decelescens* is one of the three or four smallest Cynipidæ known.

***Neuroterus saltatorius* variety *saltatorius* (Edwards)**

"Flea seeds", in Proc. Calif. Acad. Sci., IV, pp. 250, 265.

Cynips Saltatorius Edwards (Henry), 1874, Pacific Rural Press, February 14, 1874, p. 97, fig. Wright, 1877, Pacific Rural Press, December 8, 1877, p. 361.

Cynips saltitans Dodge, 1876, Field and Forest, II, p. 56, fig. on p. 53.

Cynips saltatorius Riley, 1876, Amer. Nat., X, p. 218; 1877 Trans. St. Louis Acad. Sci., III, p. CXCI; 1883, Proc. U.S. Nat. Mus., V, p.

634; 1833, Ann. Mag. Nat. Hist., ser. 5, XI, p. 142. Howard, 1888, Proc. Ent. Soc. Wash., I, p. 41.

Neuroterus saltatorius Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 128. 1887, Cresson, Trans. Amer. Ent. Soc., suppl. vol., p. 179. Lintner, 1891 (in part), 7th Rpt. Inj. Ins. N.Y., p. 309. Dalla Torre, 1893, Cat. Hymen., II, p. 46. Howard, 1905, Bull. U.S. Bur. Ent., 54, p. 81. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 125, pl. XI, fig. 12 (not fig. 9). Fullaway, 1911, Ann. Ent. Soc. Amer., IV, p. 335. Thompson, 1915, Amer. Ins. Galls, pp. 18, 41. Felt, 1918 (in part), N.Y. State Mus. Bull., 200, p. 106, fig. 107 (12). Wells, 1921, Bot. Gaz., LXXI, p. 377, pl. XXII, fig. 23. McCracken and Egbert, 1922, Stanf. Univ. Publ., III (1), p. 9 (except host records).

Cynips saltatoria Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 61; 1910, Das Tierreich, XXIV, p. 448.

Cynips quercus-saltatrix Kellogg, 1904, Amer. Ins., figs. 666, 667.

FEMALE.—Antennæ dark brown, light brown basally; legs light yellow at the joints and on the tarsi; length 1.0-1.5 mm.

GALL.—Quite ellipsoidal, almost half again as long as wide, aciculate-roughened, apically with a blunt tip which is slightly hairy; gall rather large; on *Quercus lobata* (and *Q. Douglasii*?) (figs. 27, 30, 31).

RANGE.—California: Marysville (Aaron coll.); Stockton (acc. Calif. Acad. Proc.); Brentwood, Stanford University (McCracken); Diablo (Leach coll.); Sacramento (C. T. Dodds); Paso Robles, Exeter, Napa. Probably thruout Central California over the range of *Q. lobata* (and *Q. Douglasii*?).

TYPES.—Of uncertain identity. Galls from the Edwards collection at The American Museum of Natural History; insects and galls sent by Edwards to Riley and Ashmead at the U.S. National Museum; and material in the Bassett collection at the Philadelphia Academy may have come from Edwards; but it is not certain that any of this was actually used for the original description. The types came from the Wilder ranch, 8 miles from Marysville, California; on *Q. lobata*; F. W. H. Aaron collector; about 1873.

The gall of this variety is a common object and is the best known of the several jumping galls. Edwards published the article in which he described the insect and gall in a newspaper, and because of its inaccessibility it is worth reprinting. Mr. Frank A. Leach, of Diablo, California, who has been interested in this species for a number of years, has located a file of the Pacific Rural Press and sends me the following copy (fig. 2). Mr. Leach has written an account of his observations of the *Neuroterus* which will be published by The American Museum of Natural History in "Natural History". Mr. Leach and Mr. Schwarz, editor of "Natural History", have been cordial in their permission that I also

reprint the Edwards' article, and if perchance my paper appears first, credit should be given Mr. Leach, who recovered the newspaper account for me.

Flea Seeds, *Cynips saltatorius*

From the Pacific Rural Press, February 14, 1874.

We present this week the engraving of an insect and shell from which it emerged, for the purpose of showing our readers an object which has attracted considerable attention for the past year or two in the state. They were first brought to notice by the curious jumping qualities possessed by what was supposed by some persons to be mustard seed, and many theories were advanced as to how the thing was done, some of which were quite amusing.

The "seed" from which the insect was obtained was gathered with a number of others, under an oak tree on the ranch of Mrs. H. Wilder, about 8 miles from Marysville, by Mr. F. W. H. Aaron of that city and by him sent to Mr. Hanks, President of the San Francisco Microscopic Society. The matter was referred to Mr. Kinne for examination, who has followed their development through to the perfect insect, and from his report we collect the following:

The gall or cocoon is found lightly attached to the leaf of the oak and in time falls to the ground, where the noise occasioned by the thousands that are leaping about, without any apparent cause or origin of motion, sounds much like the falling of fine rain on the leaves. An examination shows that the extraordinary activity displayed is caused by the spasmodic contraction and concussion of the abdominal parts of the occupant against the side of the shell (enclosing it), which movement does not cease even after the covering is nearly split in halves, if the tender structure of the chrysalis be not injured. That it is the chrysalis and not the larva has been shown by the microscope, and its change to the perfect insect has been noted at weekly stages.

The average length of the insect is five hundredths of an inch, and in each has been found from sixty to eighty pear-shaped ova. The engraving gives its general appearance with wings raised somewhat unnaturally, for the purpose of showing their size and shape. It was drawn by Mr. Kinne and enlarged twenty diameters. Its ovipositor is a tiny though perfect piece of nature's mechanism and lies encased in a sheath at the lower part of the abdomen. At a recent meeting of the Microscopical Society, Mr. Henry Edwards furnished a report giving the following technical description of the curiosity.

Genus *Cynips*—*L. Cynips Saltatorius*, (nov. sp.)

Black, shining. Head broad between the eyes, which are very prominent. Antennæ 14 jointed, the 1st and 2d joints being much swollen, and the 3rd joint longer than the other two, the remaining joints are long, simple and nearly equal. Thorax densely but finely punctured, very globose in front, projecting so far as to almost hide the head. Abdomen globose, shining. Ovipositor cases, short, spatulate, received

into a margined groove in the body, ovipositor itself flesh color, curved inwardly toward its middle. The abdomen is six jointed. Terminal joint of palpi hatchet shaped. Tarsi very hairy thruout, the anterior pair with six and the remainder with seven joints. Coxæ very globose. Tibiæ long, with large and powerful spines at the base.

The Edwards description and figure are inaccurate, for *saliatorius* does not have the "antennæ, 14 jointed" nor the "thorax densely but finely punctured", and the wing venation in the figure is incorrect for any cynipid. The gall figured suggests a flattened sphere with a central depression basally containing the conical point of attachment, and these characters are not found in *saltatorius* galls. I have questioned whether Edwards really had a *Neuroterus*. Mr. Weld, at the U.S. National Museum, has kindly gone into the matter in detail, and we conclude that the amount of authenticated material from Edwards, and the uniformity of interpretation by the earlier workers definitely fixes the Edwards description with the *lobata* insect. Galls in the American Museum are from the Edwards collection and come near being types, and the Beutenmuller 1910 description was made from an insect cut from these galls.

The variety occurs most commonly on *Quercus lobata*; a very similar gall, possibly of the same variety, occurs less often on *Q. Douglasii*, but I have not secured insects and cannot be sure of the relationships. The records for other hosts, as previously pointed out, apply to other varieties. Riley was wrong in considering the eastern United States material identical. Beutenmuller (1910) made the correction, but he did include a figure of a Connecticut, *Quercus alba* specimen (plate XI, fig. 9).

It is not clear at what season Aaron collected the type material, but the California Academy had previously seen galls (as Mr. Weld points out to me) which were about mature and dropped to the ground in August. Material in the Stanford and University of California collections was collected in August and in September as late as September 24. No one, apparently, has ever secured a male of this species, and I fail to find any males in the material collected in September and sent me from the Stanford collection by Dr. McCracken or in the material sent by Professor Essig and Mr. Dodds of the University of California. This amounts only to nega-

tive evidence, and we need further proof that this summer generation is agamic, but it does look as if here might be a case of a species in which no bisexual generation ever does occur. I have further examined fine lots of *saltatorius* material collected at frequent intervals thru the late fall and winter of two years by Mr. Leach, and these galls do not mature until January or February, the insects emerging late in the winter or early in the spring. This is very evidently the winter generation, agamic as we have observed and as would be expected in *Neuroterus*. I have not described these two generations as different forms because they are apparently identical (even as to sexuality) except for their seasonal occurrence.

***Neuroterus saltatorius* variety *texanus*, new variety**

FEMALE.—Antennæ light brown, golden yellow basally; legs dull yellow at the joints and on the tarsi; length 0.6-0.9 mm.

GALL.—About globose, hardly any longer than high or wide, entirely irregularly roughened, without a trace of a distinct tip apically; gall small; on *Quercus virginiana* (fig. 28).

RANGE.—Texas: Austin (Patterson coll.); Yoakum, Skidmore, Hondo, (Leander?).

TYPES.—13 females, 5 pins of galls. Holotype female, paratype female, and gall at The American Museum of Natural History; paratype females and galls at the U.S. National Museum and in the Kinsey collection; paratype females at the Museum of Comparative Zoology and the Philadelphia Academy. Labelled Austin, Texas; March 8, 1922; *Q. virginiana*; Patterson collection No. 12.

I have galls of this variety from several localities, but Dr. Patterson has succeeded in breeding the wasp. He states that the galls appear late in the fall, the insects emerging by March 8 in 1922. My Leander record may apply to a distinct variety confined to a small area in Central Texas.

***Neuroterus (Diplobius) umbilicatus* Bassett**
agamic form

Figures 40, 41

Neuroterus umbilicatus Beutenmuller (gall only), 1892, Bull. Amer. Mus. Nat. Hist., IV, p. 263. Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 330 (describes insect). Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26; 1904, Amer. Mus. Journ., IV, p. 108, fig. 44; 1904, Amer. Mus. Guide Leaf., 16, p. 22, fig. 44. Felt, 1906,

Ins. Aff. Pk. and Wdl. Trees, II, p. 627. Jarvis, 1907, 37th Rpt. Ent. Soc. Ont., p. 72; 1908, 38th Rpt. Ent. Soc. Ont., pl. B. fig. 6. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 124, pl. XIII, fig. 7. Beutenmuller in Smith, 1910, Ins. N.J., p. 598. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 336, 820, 828. Felt, 1913, N.Y. State Mus. Bull., 165, p. 121. Thompson, 1915, pp. 18, 41, pl. 4, fig. 306. Viereck, 1916, Hymen. Conn., p. 390. Felt, 1916, N.Y. State Mus. Bull., 186, p. 93; 1918, N.Y. State Mus. Bull., 200, p. 107, figs. 85 (7), 100. Lutz, 1918, Field-book Ins., p. 462, pl. XCVII, fig. 7. Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Felt, 1921, N.Y. State Mus. Bull., 231, p. 73. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 203.

FEMALE.—Cheeks rather narrow, eyes of moderate size; antenna with the third segment almost twice as long as the fourth; mesonotum and mesopleuræ largely smooth; abdomen decidedly small, hardly larger than the thorax, triangulate, distinctly produced dorsally; legs yellowish brown, brownish yellow at the joints and on the tarsi; areolet moderately small; cubitus rather indistinct but continuous; the first abscissa bent; length 0.7-1.2 mm.

GALL.—Small, separable, saucer-shaped. Each cell monothalamous. Up to 1.0 mm. in diameter, strictly circular, flattened, centrally depressed, with a low rim, a minute point in the center of the depression; light green, becoming brown; rather densely covered with short hairs; attached by rather a broad point, but quite easily separable, hardly at all imbedded in the blade, but indicated on the upper surface of the leaf by a slight papilla surrounded by a considerable circle of discoloration. Internally entirely hollow, without a distinct larval cell. On the under surfaces of white oaks, commonly on *Quercus bicolor* (the type variety), recorded from *Q. Michauxii* (acc. Felt), *Q. macrocarpa* (acc. Jarvis), and *Q. stellata* (Patterson coll.). Figs. 40, 41.

RANGE.—Ontario (Jarvis). Massachusetts: Boston (in Clarke coll.); Forest Hills (Kinsey coll.). Connecticut: Waterbury (Bassett); New Haven (Viereck). New York: New York City, Staten Island (Beutenmuller); Barrytown (Bassett in coll. Mus. Comp. Zool.); Hudson Falls, Mt. Kisco, Sea Cliff (Felt). New Jersey: Ft. Lee (Beutenmuller); Broadway (Kinsey coll.). Pennsylvania, Illinois (Beutenmuller). Mississippi: Pickens (Felt). Texas: Austin (Patterson coll.). Probably thruout the eastern half of the United States.

TYPES.—25 females, many galls. Holotype female, paratype females, and galls at the Philadelphia Academy; paratype galls at The American Museum of Natural History and the Museum of Comparative Zoology. From Waterbury, Connecticut; *Q. bicolor*; Bassett collector.

The gall of this species is very common, and a familiar object to all who have hunted galls in the northeastern part of the United States, but the insect is so difficult to rear that, as far as I know, no one has yet accomplished it. Bas-

sett's type material was obtained by cutting mature adults from galls and by capturing them as they were flying about the oak trees to oviposit. The galls of this agamic form are found on the leaves in late summer, but do not mature until very late in the fall as the leaves are falling. Most of the galls have by then become detached from the leaves, and are soon lost on the ground. By sifting the soil, sand, and leaf-mold, Bassett succeeded in the spring in obtaining galls which contained living wasps. The growth of the insect is probably very dependent upon moisture and temperature conditions of the sort found on the ground thruout the winter months, and the minute galls, with their thin walls, dry out very soon after collecting, explaining the difficulties in breeding the insect. Bassett found insects of this species in numbers over an oak, on a warm spring day, ovipositing in the buds of the tree. He further states that "In the latter part of May and the beginning of June the young galls were nearly full grown and as abundant as ever before." This last must apply to a spring generation, for the galls of the agamic form are not mature until September or later; and inasmuch as Bassett failed to differentiate the spring galls it would appear they are similar to the agamic galls, similarly placed on the leaf. The insect of the spring form may be agamic (as with the closely related *saltatorius*), or bisexual as with other species of *Diplobius*, and it will be interesting to determine this definitely. These data have been published for twenty-three years, but have apparently been overlooked as a record of heterogeny.

The type variety is on *Quercus bicolor*, and the records for other hosts will prove to represent distinct varieties. The type locality is in Connecticut. The Ontario, Illinois, Mississippi, and Texas records will undoubtedly represent as many distinct varieties. The oaks, *Q. bicolor*, *Q. macrocarpa*, and *Q. stellata*, belong to a single group, but *Q. Michauxii* belongs to the group of chestnut oaks. If the last record proves correct, the insect would appear to occur on species of both white and chestnut oaks over all of the eastern half of the United States, with a possibility of upward of 80 varieties. Mr. Frank A. Leach has collected a very similar but slightly different gall on *Q. lobata* and *Q. Douglasii* from localities in central California; it is possible these will prove

varieties of this species, extending its range over the whole of the United States.

The monothalamous, rather separable gall, connects this species with *saltatorius*, and the insects of the two are so nearly alike that they can hardly be separated. Here is another case of physiologic species, and a rather remarkable instance inasmuch as the galls of the two are very distinct. When we have discovered a larger number of varieties of each species, we may be able to perceive the specific characters more clearly.

***Neuroterus (Diplobius) vernus* Gillette**

Figures 17, 18, 20, 24-26

FEMALE.—Cheeks of moderate width; eyes rather small, mesonotum almost wholly smooth and shining; mesopleuræ entirely but very finely roughened; abdomen about triangulate; legs brown, lighter at the joints and on the tarsi; wing veins light yellowish brown; areolet of moderate size or smaller; the first abscissa somewhat bent nearer the subcosta; length 0.6-1.5 mm. (figs. 17, 20).

MALE.—As described for the subgenus (fig. 18).

GALL.—A slight, irregular swelling. Stem or leaf galls are polythalamous, with relatively few larval cells, usually somewhat elongate, irregular in shape, not greatly increasing the size of the affected tissue, but often deforming the whole leaf or ament; covered with normal epidermal tissue, with sometimes some increase in pubescence; internally solid but largely occupied by larval cells. On ament stems, leaf petioles, leaf midveins, or young stems, or involving entire young growths from the buds. Anther galls are monothalamous, egg-shaped, thin-walled, hollow, small capsules. On white oaks and chestnut oaks (figs. 24-26).

RANGE.—Massachusetts to Iowa and Texas. Probably thruout the eastern half of North America.

This is, on a whole, a very primitive species, with the males as closely resembling the females as in any other species of the genus, the galls consisting of nothing but slight, unspecialized swellings of plant tissue; any young tissue is attacked by any insect without an exhibition of any developed choice of a particular part. The galls differ as different plant tissues are involved, several types of galls being produced at times by a single variety. A remarkable variation of this gall polymorphism is recorded under variety *exiguus*. The alternate generations are very similar in regard to both insects and galls. Bisexual generations are known for all of the described varieties, and the agamic for two or three

varieties. Probably in all cases the agamic form emerges as the young buds unfold; the bisexual form occurs in galls on any young part of the oak, emerging from April thru June, earlier further south; the agamic galls start growth early in the summer, on any growing tissue except aments. Each variety occurs on a distinct oak, the six known insects being described from three faunal areas on five species of oak. Both white and chestnut oaks are involved. Over 60 varieties should be found. The varieties have insects which are all very similar.

***Neuroterus vernus* variety *bassettii* Dalla Torre**
bisexual form

Neuroterus pallipes Bassett, 1890, Trans. Amer. Ent. Soc., XVII, p. 89. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 128, pl. XII, fig. 10. Beutenmuller in Smith, 1910, Ins. N.J., p. 599. Thompson, 1915, Amer. Ins. Galls, pp. 18, 41. Felt, 1918, N.Y. State Mus. Bull., 200, pp. 82, 104, fig. 53 (10). Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 201.

Neuroterus bassettii Dalla Torre, 1892, Wiener Ent. Zeit., XI, p. 131; 1893, Cat. Hymen., II, p. 40. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 335, 813, 816, 826.

Neuroterus pallidipes Dalla Torre, 1892, Wiener Ent. Zeit., XI, p. 131. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51.

FEMALE.—Mouthparts light rufo-piceous; antennæ brown, brownish yellow basally; abdomen higher than long, not produced, or slightly produced dorsally; legs bright yellow at the joints and on the tarsi; areolet moderately large; radial cell moderately narrow; length 1.2 mm.

MALE.—As described for the species.

GALL.—Small, slight, one-celled swellings, usually covered with a rather thick, ragged pubescence; on petioles and veins, dwarfing the leaves of *Q. alba*.

RANGE.—Massachusetts: Boston (Clarke coll.). New York, New Jersey (Beutenmuller).

TYPES.—Named *Neuroterus pallipes* Bassett. Holotype female and paratype females, males, and galls at the Philadelphia Academy. From Boston, Massachusetts; *Q. alba*; Miss Cora H. Clarke collector. Males from the same locality and host in The American Museum of Natural History.

This insect comes very close to being a synonym of *exiguus*, the slightly larger areolet and the host being the only good characters for distinguishing *bassettii*. I have seen a paratype female, and males from the type locality, host, and collector. This American Museum material is dated June 2; Beuten-

muller says the galls are to be found in May. Probably other tissues are affected, and other forms of galls produced, as well as those now described.

The name *pallipes* which Bassett first applied to this insect is preoccupied by *Neuroterus pallipes* Schenck, 1862, and Dalla Torre substituted the name *bassettii* for our insect. In doing so he referred to the Bassett insect as *pallidipes*, by mistake. It is true that the Schenck insect is not a *Neuroterus*, but as long as *pallipes* had ever been previously published in combination with *Neuroterus*, that name is unavailable for any other insect. Beutenmuller and subsequent authors are in error in considering *pallipes* still available for Bassett's insect.

***Neuroterus vernus* variety *distortus* Bassett**
bisexual form

Neuroterus distortus Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 336. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26; 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 127, pl. XII, fig. 6. Beutenmuller in Smith, 1910, Ins. N.J., p. 599. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 334, 801, 827. Thompson, 1915, Amer. Ins. Galls, pp. 5, 40, pl. 1, fig. 178. Viereck, 1916, Hymen. Conn., p. 388. Felt, 1918, N.Y. State Mus. Bull., 200, p. 56, fig. 53 (6). Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 198.

FEMALE.—Mouthparts piceous; antennæ dark brown, basally straw color, abdomen higher than long, not produced; legs light straw at the joints and on the tarsi; areolet quite large; radial cell rather narrow; length 0.9-1.2 mm.

MALE.—As described for the species.

GALL.—A slight swelling of the bud or young leaf, petiole or vein; on *Quercus bicolor*.

RANGE.—Connecticut: Waterbury (?). New York, New Jersey (Beutenmuller). Probably confined to a more northeastern part of the United States.

TYPES.—Females, males, and galls. Holotype female at the Philadelphia Academy; paratype females, males, and galls at the Philadelphia Academy, The American Museum of Natural History, and the Museum of Comparative Zoology, and in the Beutenmuller collection (?). From Waterbury (?) Connecticut; May 25, 1893; *Q. bicolor*; Bassett collector.

This insect is closely related to variety *tectus*, but is apparently due to isolation upon the distinct host. Like *tectus*,

this is a bisexual form, starting growth with the unfolding of the buds and maturing in May or June.

***Neuroterus vernus* variety *evanescens* Kinsey**
bisexual form

Neuroterus evanescens Kinsey, 1922, Ind. Univ. Studies, 53, p. 100.

FEMALE.—Mouthparts straw yellowish; antennæ wholly light straw yellow; abdomen longer than wide, extending ventrally as far as or slightly further than dorsally; legs light straw brown at the joints and on the tarsi; radial cell not as long and narrow as is usual in the species; length 0.7-1.0 mm.

MALE.—As described for the species.

GALL.—A swelling of the ament stem, forming a mass about 5 mm. long; on aments of *Quercus breviloba*.

RANGE.—Texas: Austin.

TYPES.—31 females, 2 males, 3 galls. Holotype female, paratype females, male, and gall in The American Museum of Natural History; paratype females, male, and galls in the Kinsey collection; paratype females in the U.S. National Museum, the Museum of Comparative Zoology, and the Philadelphia Academy. Labelled Austin, Texas; *Q. breviloba*; Patterson collection number 68.

A couple of corrections should be made in the data I originally published with this insect. The types should bear the Patterson number 68; the galls appeared about March 19, and the adults began emerging April 4, 1922. Patterson observed the insects ovipositing on the under sides of leaves, and since the variety is so closely related to the varieties which produce leaf vein swellings, there is little doubt that the agamic generation will be found in such a gall. The Patterson material occurring on *Q. stellata* should be numbered 46. This may represent a distinct variety.

***Neuroterus vernus* variety *exiguus* Bassett**
bisexual form

Neuroterus exiguus Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 333. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26; 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 129. Beutenmuller in Smith, 1910, Ins. N.J., p. 598. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 333, 823, 834. Thompson, 1915, Amer. Ins. Galls, pp. 20, 40. Viereck, 1916, Hymen. Conn., p. 389. Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 199.

Neuroterus Gillettei Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 334.

Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51.

Neuroterus gillettei Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 336, 809, 834. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 133. Beutenmuller in Smith, 1910, Ins. N.J., p. 599. Thompson, 1915, Amer. Ins. Galls, pp. 13, 40. Felt, 1918, N.Y. State Mus. Bull., 200, p. 81. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 199.

Neuroterus floccosus Felt, 1918 (error), N.Y. State Mus. Bull., 200, p. 116.

FEMALE.—Mouthparts light piceous, antennæ brown, the second and third segments straw yellow; abdomen hardly longer than wide, more or less produced dorsally; legs dull straw color at the joints and on the tarsi; areolet averaging a little larger than in *tectus*; radial cell rather narrow, length 0.8-1.5 mm.

MALE.—As described for the species.

GALL.—As described for the species; swelling on petioles, midveins, or ament stems, or anther capsules on *Quercus stellata* (figs. 24, 25).

RANGE.—Connecticut: Waterbury (?), West Rock (Bassett). New York (Beutenmuller). New Jersey: Lakehurst (Beutenmuller). Virginia: Rosslyn. Probably confined to a northeastern area of the United States.

TYPES.—*Neuroterus exiguus*: Females, males, and galls. Holotype female at the Philadelphia Academy; paratype females, males, and galls at the Philadelphia Academy and in the Kinsey collection; paratype females and males at The American Museum of Natural History, the Museum of Comparative Zoology, and in the Beutenmuller collection (?). From West Rock, Connecticut; *Q. stellata*; Bassett collector.

Neuroterus gillettei: Females and males. Holotype female at the Philadelphia Academy; paratype females and males at the Philadelphia Academy and in the Kinsey collection. Probably from near Waterbury, Connecticut; on *Q. stellata*; Bassett collector.

Bassett found his galls in May, the insects emerging by the end of the month. My material from Rosslyn, Virginia, was about ready to emerge on May 16, 1920.

Felt's reference to *N. floccosus* on ament flowers is explained, by Dr. Felt himself, as a clerical confusion of *exiguus* with *exiguissimus* and the reduction of *exiguissimus* to a synonym of *floccosus* (following Beutenmuller); the reference applies to *exiguus*.

Gillettei is certainly a complete synonym of *exiguus*. I have examined good series of paratypes of both names, comparing them with types of all the related things, and cannot find any differences at all. The hosts of the two are the same.

The two type localities are probably near together, altho the locality of *gillettei* was not definitely given, but in all such cases Bassett appears to have implied Waterbury, Connecticut, and the identity of the types of the two show they came from the same faunal area. The galls of the two names are different, *exiguus* coming from ament stem swellings (and anther cells), and *gillettei* from leaf petiole and midvein swellings, and these differences apparently prevented Bassett from seeing the relationship. The two descriptions were published on the same page, but were certainly written at different times, as evidence the great differences in the ordering of material, the choices of terms, etc. The differences in the galls, as for several related species of *Neuroterus*, imply nothing more than that the insects are primitive, can produce only indefinite proliferations, do not restrict their activities to a single part of the host, and consequently are found in galls which vary as different tissues are affected.

This is further apparent from an experience of mine which closely matches Bassett's original experience with this insect. He obtained his *Neuroterus exiguus* types from boxes of galls which gave his *Plagiotrichus exiguus* (described as an *Andricus*). He believed that this latter insect came from tiny, egg-shaped capsules in the aments, and at first he explained the shortened, thickened, compacted condition of the whole ament to the action of the *Plagiotrichus*. When he found the *Neuroterus* in the box he cut open both anther capsule galls and the anther stem swelling. Concerning the anther capsule he states "I examined the galls very carefully, but found but a single species, and from this the *Andricus* [*Plagiotrichus*] surely came, as I found a specimen in the unopened galls." And later, concerning the stem swelling, he records "After repeated efforts I finally found some of the *Neuroteri* in these galls and the mystery was solved." Solved, in part!

I have large series of both insects from similarly combined clusters of anther capsules and ament stem swellings. My material is from Rosslyn, Virginia, on *Q. stellata*; I have compared both insects with types and cannot find differences, altho I am not convinced that Rosslyn, Virginia, and Waterbury, Connecticut, are in the same faunal area. At any rate, my material is specifically related to if not varietally identical with the Bassett types. I cut open anther and stem

galls to determine the source of each insect. I found, in several instances for each species, both the *Plagiotrichus* and *Neuroterus* in *both* kinds of galls! Here is a case of gall dimorphism to match the several others in the genus, where the gall-producing capacity of the primitive *Neuroterus* is not sufficient to obscure the nature of the plant tissue involved, and where the form of the gall thus varies as different plant tissues are attacked. But in this instance the interpretation is remarkably substantiated when we find two insects of distinct, but in both cases primitive genera, producing quite identical galls when the same part of the plant is attacked. It is possible that no other part of the plant but the ament and particularly the anther would restrict the gall as closely to form. The egg-shaped anther gall is now known from a number of species of Cynipidæ of diverse genera (see the discussion of gall polymorphism in the introduction), and there seems to be little chance of the anther ever producing any other type of gall. This comparative, taxonomic study of species is giving us considerable information as to the factors which influence gall production.

Neuroterus vernus* variety *tectus
bisexual form *tectus* Bassett

Neuroterus tectus Bassett, 1900 (in part), Trans. Amer. Ent. Soc., XXVI, p. 331. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26; 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 126, pl. XII, figs. 1, 2. Beutenmuller in Smith, 1910, Ins. N.J., p. 599. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 337, 801, 835. Thompson, 1915, Amer. Ins. Galls, pp. 5, 13, 41. Viereck, 1916, Hymen. Conn., p. 389. Felt, 1918, N.Y. State Mus. Bull., 200, p. 56, fig. 53 (1, 2). Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 203. Insects of both generations are involved in the above references.

Neuroterus tectus form *tectus* Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, p. 339, pl. XXX, figs. 20-22.

FEMALE.—Mouthparts light piceous; antennæ brown, the second and third segments brownish yellow; abdomen higher than long, extending ventrally almost as far as or slightly further than dorsally; legs light yellowish at the joints and on the tarsi; areolet small, averaging a little smaller than in *exiguus*; radial cell rather narrow; length 0.6-0.9 mm.

MALE.—As described for the species.

GALL.—A small swelling of closely packed larval cells, without much other tissue; on petioles, young stems, and flower stems of *Quercus prinoides*.

RANGE.—Massachusetts (Thompson). Rhode Island: Providence (Thompson). Connecticut: Waterbury (Bassett). New York, New Jersey, Pennsylvania (Beutenmuller).

TYPES.—Females, males, and galls. Holotype female at the Philadelphia Academy; paratype females, males, and galls at The American Museum of Natural History, the Museum of Comparative Zoology, in the Beutenmuller collection (?), and in the Kinsey collection. From Waterbury, Connecticut; June 10, 1874; *Q. prinoides*; Bassett collector.

These galls are inconspicuous swellings, affecting probably any young part of the oak. The insect starts growth with the unfolding of the buds, emerging late in May and early in June in New England; Bassett found galls in part empty by June 10.

***Neuroterus vernus* variety *tectus* agamic form *abundans* Kinsey**

Most references to the bisexual female involve the agamic female. *Neuroterus tectus* form *abundans* Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, p. 339.

FEMALE.—Differs from the bisexual female only in having the abdomen larger and more oval rather than angulate.

GALL.—Not certainly identified, but probably a slight swelling of leaf midveins.

RANGE.—As given for the bisexual generation.

TYPES.—Females at the Boston Society of Natural History and in the Kinsey collection. Labelled Rhode Island or Massachusetts; May 10, 1907; *Q. prinoides*; Thompson collector.

This insect begins development in midsummer, emerging in the following May. Leaf vein swellings in the Thompson collection may belong to this generation, but the data are not certain. I used the Thompson collections when I named this form, and that should constitute the type material rather than the Bassett material which I named in 1920. Bassett found the agamic females ovipositing, but did not distinguish them from the bisexual form. Millett Thompson also observed agamic insects ovipositing, and from the marked buds obtained galls and adults of the alternate generation. The credit of observing this heterogeneity should be given to both Bassett and Thompson.

Neuroterus vernus variety vernus Gillette
bisexual form

Neuroterus vernus Gillette, 1889, Iowa Agric. Exp. Sta. Bull., 7, p. 281; 1890, Ent. Amer. VI, p. 22; 1892, Proc. Iowa Acad. Sci., 1 (2), p. 114. Dalla Torre, 1893, Cat. Hymen., II, p. 47. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Nason, 1906, Ent. News, XVII, p. 8. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 331, 809, 822, 832. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 128, pl. XII, figs. 8, 9. Thompson, 1915, Amer. Ins. Galls, pp. 12, 21, 41. Felt, 1918, N.Y. State Mus. Bull., 200, p. 78, fig. 53 (8, 9).

FEMALE.—Apparently (from the description) has the mouthparts brown, antennæ light brown basally, the areolet large, and the length 1.0 to 1.3 mm.

GALL.—A slight, irregular swelling of ament stems, young leaf veins, or petioles; on *Quercus macrocarpa*.

RANGE.—Iowa: Ames (Gillette). Illinois: Algonquin (Nason). Probably confined to an area in the Middle West.

TYPES.—Females and galls, in the Gillette collection (?), and the Philadelphia Academy; galls in The American Museum of Natural History. From Ames, Iowa: *Q. macrocarpa*; Gillette collector.

Gillette stated that this insect was "double brooded", but failed to distinguish agamic and bisexual forms, not obtaining the male. He noted that the insects of the two generations differ somewhat in color. He stated that the one (agamic) generation emerged in April, the bisexual in May and June. The agamic galls are confined to leaves. I have not seen material, and draw the descriptions from Gillette's original accounts.

Neuroterus (Diplobius) verrucarum (Osten Sacken)
agamic forms

Figures 12, 32, 33

FEMALE.—Cheeks rather narrow, eyes of moderate size; mesopleuræ largely smooth; abdomen decidedly small, hardly larger than the thorax, more rounded than angulate, more or less produced dorsally; legs light yellowish at the joints and on the tarsi; areolet of moderate size or smaller; the first abscissa usually smoothly and very slightly bent close to the subcosta, more angulate in a couple of varieties; length 0.7-1.5 mm. (fig. 12).

GALL.—A minute cell covered with a flattened disc of wool. Monothalamous. Each gall a smooth, seed-like cell, hard, thin-shelled, entirely hollow, attached by a small point to a leaf-vein, separable, but the leaf depressed so at the point of attachment that the gall is not easily

detached; the cell covered with a dense, whitish mass of wool which dries brown, the wool somewhat flattened, disc-shape, varying in diameter from 0.7 mm. in one variety to 3.5 mm. in another, averaging 2.5 mm. Attached to veins on the under surfaces of the leaves; indicated on the upper surfaces by a smooth, naked, circular, papilla elevation with a slight indication of a central point, this papilla however almost lacking in a couple of varieties. On leaves of white oaks except the chestnut oaks (figs. 32, 33).

RANGE.—Ontario to Minnesota, Florida, and Texas. Apparently confined to the eastern half of North America.

This very common species has developed varieties in which the insects are usually distinguishable only by slight differences in size, color, and size of the areolet. These differences would not be enough to warrant the recognition of distinct groups, except that they are very constant in large series representing several localities of a single faunal area, and are correlated to a large degree with host and distributional data. Nevertheless in some cases I have not been able to distinguish material from undoubtedly distinct faunal areas. The galls of the several varieties differ mostly in regard to average size. Many of the varieties are confined to single hosts in distinct faunal areas; in a few cases a variety seems to occur on two closely related oaks or over two adjacent areas. *Pulvinus* is a variety with a very distinct gall but the insect is indistinguishable from *opacus*.

The species is closely related to *Neuroterus niger* which is evidently a more primitive species. The degree of separability and the distinct form of the gall of *verrucarum*, its restriction to eastern North America, and its exclusion from the chestnut oaks, all suggest something of specialization. The best key characters for the insect of *verrucarum* are the small abdomen and the slightly and smoothly curved first abscissa of the radius; the eyes are smaller and the cheeks are wider than in *niger*.

The known life history data are much the same for all of the varieties. The galls are first seen after mid-summer, in August further north, probably earlier further south; the larvæ do not mature until late in the fall or early in the winter, then quickly becoming adults which remain in the galls on the dead leaves over winter, emerging in the early spring, March or earlier in the south to May further north. This is as much as is known of the species, the bisexual form

not being known. It is probable that an obscure bud or flower gall, probably monothalamous, will prove to be the alternate of the agamic *verrucarum*. Such a gall apparently is not yet named.

In addition to the varieties described here, I have *verrucarum* galls but not sufficient insects from *Quercus stellata* at Carmel, New Jersey, *Q. geminata* at New Smyrna and Bowling Green, Florida, and from *Q. Rolfsii* at Fort Meyers, Florida. These may represent three undescribed varieties. Judging from host and locality records the following references are to undescribed varieties:

Neuroterus verrucarum Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 135 (Florida, *Q. stellata*). Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 122 (New York, New Jersey, *Q. stellata*). Beutenmuller in Smith, 1910, Ins. N.J., p. 598 (New Jersey, *Q. stellata*). Viereck, 1916, Hymen. Conn., p. 385 (Connecticut? *Q. macrocarpa*).

Neuroterus floccosus Ashmead, 1890, Colo. Biol. Assoc. Bull., I, p. 38 (Colorado). Gillette, 1892, Proc. Iowa Acad. Sci., 1 (2), p. 114 (Iowa). Jarvis, 1907, 37th Rpt. Ent. Soc. Ont., p. 71; 1909, 39th Rpt. Ent. Soc. Ont., p. 86, pl. R, fig. 2 (Canada, *Q. alba*). Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 123 (Canada, Iowa, and Colorado records only). Sears, 1914, Ohio Nat., XV, p. 383, fig. 28 (Ohio, *Q. macrocarpa*). Felt, 1921, N.Y. State Mus. Bull., 231, p. 73 (Minnesota, *Q. macrocarpa*).

Neuroterus quercus-verrucarum Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, p. 336 (Florida, *Q. stellata*, record only).

Judging from the distinct faunal areas occupied by the white oaks exclusive of the chestnut oaks, there may be as many as 40 varieties of this species, only 7 of which are now described.

***Neuroterus verrucarum* variety *exiguissimus* Bassett**

Neuroterus exiguissimus Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 332. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, p. 338. Stebbins, 1910, Springfield Mus. Bull., 2, p. 29, fig. 51. Thompson, 1915, Amer. Ins. Galls, pp. 19, 40, pl. 5, fig. 303. Viereck, 1916, Hymen. Conn., p. 389. Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 199.

Neuroterus floccosus Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 123. Beutenmuller in Smith, 1910 (in part),

Ins. N.J., p. 598. Felt, 1918 (in part), N.Y. State Mus. Bull., 200, pp. 88, 110, 112.

FEMALE.—Apparently (from the description) has the color generally black, the antennæ with the basal segments black or dark brown, the areolet large, and the length 1.2 mm.

GALL.—As described for the species; much smaller than for other varieties, more often confined to the midvein; on *Quercus alba*.

RANGE.—Massachusetts: Amherst (Bassett); Springfield (Stebbins). Rhode Island: Providence (Thompson). Connecticut: Waterbury (Bassett). Probably confined to a more northeastern area of the United States.

TYPES.—Holotype female, paratype females, and galls at the Philadelphia Academy; paratype females and galls at The American Museum of Natural History and the Museum of Comparative Zoology, and in the Beutenmuller (?) collection. From Waterbury, Connecticut; *Q. alba*; Bassett collector.

This variety is not as common as that on *Q. bicolor*. The gall is distinct in its small size and confinement largely to the midveins. This probably represents not a distinct insect physiology as much as a difference in plant structure. It is not to be expected that the smooth leaf of *Q. alba* should produce as woolly a gall as the normally pubescent *Q. bicolor*. Beutenmuller made this a synonym of true *floccosus*, which it certainly is not. The synonymy has been followed by some others, and the unscrambling of the bibliographic references is consequently confusing. I have galls, but have not seen insects, and draw the description from Bassett's original account.

***Neuroterus verrucarum* variety *floccosus* (Bassett)**

Cynips floccosa Bassett, 1881, Can. Ent., XIII, p. 111. Packard, 1881, U. S. Ent. Comm. Bull., VII, p. 57. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 199.

Neuroterus floccosus Mayr, 1881, Gen. Gallenbew. Cynip., p. 37. Bassett, 1882, Amer. Nat., XVI, p. 246. Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 303; 1887, Trans. Amer. Ent. Soc., XIV, p. 128. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., pp. 107, 109. Dalla Torre, 1893, Cat. Hymen., II, p. 41. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51; 1910, Das Tierreich, XXIV, pp. 337, 814. Beutenmuller, 1910 (in small part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 123. Thompson, 1915 (in part), Amer. Ins. Galls, pp. 13, 40. Felt, 1918 (in part), N.Y. State Mus. Bull., 200, pp. 88, 110, 112, fig. 107 (1-3). Wells, 1921, Bot. Gaz., LXXI, p. 377, pl. XXII, fig. 21.

FEMALE.—Color generally piceous black; antennæ a rather dark brown, brownish yellow on all the basal segments; middles of coxæ, femora, and tibiæ rather dark brown; areolet averaging a little more than a moderate size; length 1.0-1.5 mm.

GALL.—As described for the species; averaging rather large; on *Quercus bicolor*.

RANGE.—Ohio: northern (Bassett). Illinois? (Beutenmuller). Probably confined to a northern portion of the Middle West.

TYPES.—Females and galls. Holotype female, paratype females, and galls at the Philadelphia Academy; paratype females and galls at The American Museum of Natural History, the Museum of Comparative Zoology, and in the Beutenmuller (?) and the Kinsey collections. From northern Ohio; *Q. bicolor*; Bassett collector. The "types" include quantities of material of variety *pernotus*.

I have examined 203 insects from the Bassett "type" material at the Philadelphia Academy; of these, only 41 are true *floccosus* while 162 represent variety *pernotus*, probably from *Q. bicolor* at Waterbury, Connecticut. As is well known, it was often Bassett's custom to place all of his material of a species in a single box, and apparently this happened in the case of *floccosus*. Of the two varieties among the Bassett types, one agrees in its dark colorings, larger size of areolet, and greater length with the Bassett description of material from northern Ohio; the other does not agree with the description of *floccosus* and does agree with types of *pernotus* which is a New England variety. Very likely Bassett obtained his *pernotus* material near Waterbury, Connecticut. The northern Ohio material must stand as *floccosus* even tho it is not as abundant among the Bassett "types".

***Neuroterus verrucarum* variety *inficiens*, new variety**

FEMALE.—Color generally jet black; antennæ rich brown, only a slightly lighter brown basally, the middles of the coxæ, femora, and tibiæ rich brown, not black, the legs otherwise rich golden yellow; areolet rather large; wing veins quite heavy, the first abscissa more angulate than in other varieties; length 1.0-1.5 mm.

GALL.—As described for the species; rather small, more flattened, and much more solidly imbedded in the leaf than in other varieties, and the papilla on the upper surface is not as large; on *Quercus breviloba*.

RANGE.—Texas: Austin (Patterson collection 110); Leander, Round Rock. Probably confined to a limited area in Texas including Burnet and Llano Counties.

TYPES.—6 females, 22 pins of galls. Holotype female, paratype female, and galls at The American Museum of Natural History; para-

type females and galls at the U.S. National Museum and in the Kinsey collection; paratype galls at the Museum of Comparative Zoology and the Philadelphia Academy. Labelled Leander, Texas; December 12, 1919; *Q. breviloba*; Kinsey collector.

Inficiens is the most distinct variety of the species, with the exception of the related *pulvinus*. This is typical of the distinct fauna which occurs in the area of the old Llano uplift. The angle of the first abscissa of the radius, and the closely imbedded gall would even somewhat suggest a distinct species. The gall, and to some extent the insect, come near variety *pulvinus*. Galls which I collected in early December still contained larvæ; Dr. Patterson cut out adults from galls collected at Austin on December 29.

***Neuroterus verrucarum* variety *macrocarpæ*, new variety**

FEMALE.—Color generally black; antennæ dark brown, distinctly brownish yellow on all the basal segments; middles of coxæ, femora, and tibiæ dark brown; areolet averaging a little smaller than a moderate size.

GALL.—As described for the species; averaging slightly larger than galls of variety *opacus*; on *Quercus macrocarpa*.

RANGE.—Texas: Austin (Patterson). Oklahoma: Pawnee. Probably occurs thruout more eastern Texas and adjacent parts of Louisiana and Oklahoma.

TYPES.—23 females, 6 pins of galls. Holotype female, paratype females, and gall at The American Museum of Natural History; paratype females and galls at the U.S. National Museum, the Museum of Comparative Zoology, and the Philadelphia Academy, and in the Kinsey collection. Labelled Austin, Texas; 1922; *Q. macrocarpa*; Patterson collection number 135.

Altho this variety occurs in the same range as *opacus*, it is readily distinguished by the brownish yellow bases of the antennæ. Dr. Patterson collected and bred the type material; he reports galls appearing the first of August, with the pupal stage occurring on November 2, and females emerging from March 23 to 31, 1922. Most, but not all of the insects had previously emerged from galls which I collected at Pawnee, Oklahoma, on April 28, 1920.

***Neuroterus verrucarum* variety *minutissimus* (Ashmead)**

Cynips q. minutissima Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. VII.

Neuroterus minutissimus Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. 296; 1887, Trans. Amer. Ent. Soc., XIV, p. 128. Ashmead in

Packard, 1890, 5th Rpt. U.S. Ent. Comm., pp. 107, 109. Dalla Torre, 1893, Cat. Hymen., II, p. 44. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 123, pl. XI, fig. 4. Thompson, 1915, Amer. Ins. Galls, pp. 19, 41. Felt, 1918, N.Y. State Mus. Bull., 200, p. 110, fig. 107 (4).

Neuroterus quercus-minutissimus Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 339, 814, 839.

FEMALE.—Color generally piceous black; antennæ light brown, entirely light basally; middles of femora dark brown, but legs otherwise including the coxæ yellow; the areolet of less than moderate size or small; length 1.0-1.2 mm.

GALL.—Similar to the galls of the other varieties; of moderate size, the papilla swelling on the upper surface almost entirely absent (due to the thickness of the evergreen leaf?). On *Quercus virginiana*.

RANGE.—Florida: Jacksonville (Ashmead); Lady Lake, Tavares, Bowling Green, Fort Meyers. Probably confined to the most southeastern part of the United States.

TYPES.—Females and galls at the U.S. National Museum and the Museum of Comparative Zoology. From Jacksonville, Florida; *Q. virginiana*; Ashmead collector.

I have not seen types, but I have insects and galls determined as this species by Ashmead, and insects I collected at Tavares, Florida. It may be that more than one variety is represented by the other localities I have listed. In the material I have seen the antenna has 13 segments, not 14 as Ashmead stated, and the areolet is not obliterated as originally described but is small and bounded in part by a very faint vein. The insect is distinguished from *restrictus* by its smaller size, the large amount of yellow on the legs including the coxæ, and the smaller areolet.

Neuroterus verrucarum variety *opacus*, new variety

FEMALE.—Color generally black, antennæ dark brown, lighter only on the second segment; the middles of the coxæ, femora, and tibiæ very dark brown or brownish black, the legs otherwise rather light yellow; wing veins quite fine; areolet averaging less than a moderate size; the first abscissa not as angulate as in *inficiens*; length 0.7-1.0 mm.

GALL.—As described for the species; averaging rather smaller than the galls of most varieties; on *Quercus stellata* and *Q. breviloba*.

RANGE.—Texas: Yoakum, West Point, Elgin, Austin, Hearne, Jacksonville, Longview. Oklahoma: Pawnee. Probably thruout more eastern Texas and adjacent parts of Louisiana and Oklahoma.

TYPES.—368 females, no galls. Holotype female and paratype females at The American Museum of Natural History; paratype females

in the U.S. National Museum, the Museum of Comparative Zoology, the Philadelphia Academy, and the Kinsey collection. Labelled Austin, Texas; March 27, 1922; *Q. stellata*; Patterson collection number 108.

Dr. Patterson collected the fine lot of type material, breeding the insects about March 27, 1922.

In 1919 I collected galls in the latter half of November and the first half of December at the various localities listed; the insects were larvæ at that time and were large enough to mature after collection. This is the common variety of the species in eastern Texas. Dr. Patterson has bred a few adults from galls on *breviloba*, and I do not find that these differ from the *Q. stellata* types. A very distinct variety, *inficiens*, also occurs on *Q. breviloba* at Austin, and should be distinguished from *opacus*. The two varieties occupy very different faunal areas which meet at Austin. The galls of variety *pulvinus* also occur on *Q. stellata*, and are readily separated, but the two insects are practically indistinguishable, as pointed out under *pulvinus*.

***Neuroterus verrucarum* variety *pernotus*, new variety**

Neuroterus floccosus Beutenmuller, 1892, Bull. Amer. Mus. Nat. Hist., IV, p. 262, pl. XII, fig. 2; 1904, Amer. Mus. Journ., IV, p. 108, fig. 43; 1904, Amer. Mus. Guide Leaf., 16, p. 22, fig. 43; 1910 (in larger part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 123, pl. XI, fig. 1-3. Beutenmuller in Smith, 1910 (in part), Ins. N.J., p. 598. Stebbins, 1910, Springfield Mus. Bull., 2, p. 30. Thompson, 1915 (New England record), Amer. Ins. Galls, pp. 13, 40, pl. 2, fig. 103. Viereck, 1916, Hymen. Conn., p. 390. Lutz, 1918, Fieldbook of Ins., p. 462, pl. XCVII, fig. 6. Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320.

FEMALE.—Color generally dark piceous, in small part rufo-piceous; antennæ rather dark brown, brownish yellow basally; middles of coxæ, femora, and tibiæ rufo-brown; areolet averaging a little less than a moderate size; length 0.7-1.1 mm.

GALL.—As described for the species; larger than the galls of other varieties; on *Quercus bicolor*.

RANGE.—Massachusetts: Worcester? (Thompson coll.); Boston (Clarke); Springfield (Stebbins); Forest Hills, Connecticut: Waterbury (in Bassett collection); New Haven (Felt in N.Y. State Mus.). New York: New York City (Beutenmuller). New Jersey: Broadway, Carmel. Probably confined to a northeastern area of the United States.

TYPES.—32 females, 12 pins of galls. Holotype female, paratype females, and galls at the Boston Society of Natural History; paratype females and galls at The American Museum of Natural His-

tary, the U.S. National Museum, the Museum of Comparative Zoology, and the Philadelphia Academy, and in the Kinsey collection. Labelled Massachusetts; spring; *Q. bicolor*; Thompson collection number 103.

This insect has been passing as true *floccosus*, altho the type locality of the latter is in a different faunal area. The hosts of the two are the same, but their ranges are distinct. *Pernotus* is generally more rufo-piceous than *floccosus*, and decidedly smaller, with a smaller areolet. The Bassett "types" of *floccosus* contain a considerable amount of *pernotus*, as explained under *floccosus*. The type material of *pernotus* was bred by Millett Thompson. Insects and galls from *Q. bicolor* in New Jersey do not appear to differ from the Thompson material, but varieties in this species are to be distinguished by such poor characters that one should not conclude that the whole of Massachusetts and New Jersey lie in the same faunal area.

Neuroterus verrucarum variety *pulvinus*, new variety

FEMALE.—Color generally black; antennæ brown, lighter only on the second segment; the middles of the coxæ, femora, and tibiæ brownish black, the legs otherwise rather light yellow; wing veins quite fine; areolet of moderate size or a little smaller; the first abscissa not as angulate as in *inficiens*; length 1.0-1.2 mm. Differs from *opacus* only in averages, not sufficient to determine every individual; slightly larger, the abdomen slightly more produced dorsally, the first abscissa slightly more angulate, the eyes slightly larger.

GALL.—Quite different from the galls of other varieties; monothalamous, a flattened hemisphere, roughened, but with only a slight, microscopic pubescence; older galls dark brown; rather thick-walled; lying largely below the under surface of the leaf, the point not at all evident on the upper surface, but the gall attached broadly, solidly, and not easily separable. On *Quercus stellata*.

RANGE.—Texas: Austin (Patterson coll.); Yoakum, Sinton.

TYPES.—440 females, many galls. Holotype female, paratype females, and galls at The American Museum of Natural History; paratype females and galls at the Museum of Comparative Zoology, the U. S. National Museum, the Philadelphia Academy, Stanford University, and the California Academy, and in the Kinsey collection. Labelled Yoakum, Texas; November 30, 1919; *Q. stellata*; Kinsey collector. Some adults of variety *opacus* may be in these types.

In late November the type galls contained active adults; many galls showed exit holes, but whether of cynipids or parasites I could not determine. Dr. Patterson cut insects from his galls in January.

The type insects may include some material of variety *opacus*; the leaves containing the *pulvinus* galls were also infested with galls of *opacus*, and the two were bred together. Unfortunately these two insects cannot be separated with any certainty, as explained further on, but I have recovered out of this lot what would appear to be *opacus* insects to a total of seven per cent, which almost represents the number of *opacus* galls. The paratypes of *pulvinus* are, then, probably almost pure, but should be used with caution in settling any fine point.

If one should ever recognize a physiologic variety, here is the instance. The galls of *pulvinus* show some relationship to those of other varieties of the species, but in many respects are distinct, distinct enough to represent another species rather than a variety of *verrucarum*. The insects however do not appear to differ morphologically from those of variety *opacus*, except for vague average differences which cannot be utilized with particular individuals. I have spent considerable time trying to find distinctive characters which would apply to all the individuals of a large series, and altho extreme individuals are to be distinguished, no character, certainly no set of characters, appeared to me constant enough to describe as the differences between *opacus* and *pulvinus*. Mr. L. O. Morgan, a graduate student in our laboratories, has independently examined this material, and reaches a decision in accord with my own. Mr. Morgan has been remarkably successful in making distinctions in difficult cases; since he fails to find differences, I question whether other observers will. I grant that statistical methods may separate *opacus* and *pulvinus* insects; if so, the sharp distinctions of the galls will still appear in striking contrast to the close identities of the insects. It is reasonable that two taxonomic groups should differ either morphologically or physiologically and not in both regards. It is however so often true that the two sorts of characters differ simultaneously,—or it is so often the case that we utilize the morphologic without considering the physiologic data,—that we are perhaps unduly impressed with a “physiologic” variety. If galls or other physiologic data were not available in such a case as this, there would, without doubt, be no one who would distinguish the two things. There would follow confusion and outright

contradiction in investigations such as life histories, cytology, host relations, distributions, etc. The lack of adequate taxonomic work has undoubtedly been responsible for many mistakes thruout the fields of biology.

Both *opacus* and *pulvinus* occur at Yoakum and Austin, Texas, on the same host and even on the same leaves. It is hard to see what isolation factors are favoring the segregation of two distinct things. Possibly the two localities are on the boundary between two faunal areas. This view is favored by the fact that I secured *opacus* in abundance but failed to find *pulvinus* at the many localities where I collected in the areas eastward from Austin and Yoakum.

***Neuroterus verrucarum* variety *restrictus*, new variety**

FEMALE.—Color generally black or piceous black; antennæ brown, lighter brown basally but yellowish brown only on the second segment; middles of coxæ, femora, and tibiæ dark brown, the remainder of the legs rather light yellow; wing veins fine, the areolet of moderate size; length 1.2-1.5 mm.

GALL.—Rather large, with a distinct papilla on the upper surface; on *Quercus Chapmanii* and *Q. Margaretta* (and *Q. geminata*?).

RANGE.—Florida: Bowling Green, Milton, New Smyrna. Georgia: Jesup. Probably confined to the very southeastern portion of the United States.

TYPES.—6 females, many galls. Holotype female, paratype female, and galls at The American Museum of Natural History; paratype females and galls at the U.S. National Museum and in the Kinsey collection; paratype galls at the Museum of Comparative Zoology and the Philadelphia Academy. Labelled Bowling Green, Florida; November 13, 1919; *Q. Chapmanii*; Kinsey collector.

This insect is best distinguished from *minutissimus* by the larger size, the darker legs, and the larger areolet. The galls, collected in November, probably did not give adults until the following spring. Insects from Jesup, Georgia, and from Milton, Florida, on *Q. Margaretta*, and from New Smyrna on *Q. geminata*, appear to me to be the same as the types of *restrictus*. It is not impossible that some of the other related oaks of northern Florida and adjacent Georgia may bear the same variety.

***Neuroterus verrucarum* variety *verrucarum* (Osten Sacken)**

Cynips quercus verrucarum Osten Sacken, 1861, Proc. Ent. Soc. Phila., I, p. 62.

Cynips q. verrucarum Osten Sacken, 1861, Ent. Zeit. Stettin, pp. 409, 412.
Cynips verrucarum Osten Sacken, 1865, Proc. Ent. Soc. Phila., IV, pp. 340, 344, 348, 354. Packard, 1881, U.S. Ent. Comm. Bull., VII, p. 56.

Neuroterus verrucarum Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 304; 1887, Trans. Amer. Ent. Soc., XIV, p. 128. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., p. 110. Dalla Torre, 1893, Cat. Hymen., II, p. 47. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 122, pl. XI, fig. 5. Thompson, 1915, Amer. Ins. Galls, pp. 18, 41 (not p. 61, not pl. 16, fig. 271). Felt, 1918, N.Y. State Mus. Bull., 200, p. 106, fig. 107 (5).

Neuroterus quercus-verrucarum Dalla Torre and Kieffer, 1910 (except Florida record), Das Tierreich, XXIV, pp. 336, 815, 834.

FEMALE.—Color generally black; antennæ brown, dull brownish straw color basally; middles of coxæ, femora, and tibiæ brownish black; areolet of moderate size; length 1.0-1.2 mm.

GALL.—As described for the species; rather small; on *Quercus stellata*.

RANGE.—D.C.: Washington. Virginia: Indian Rock. Probably confined to a southeastern area of the United States north of southern Georgia.

TYPES.—Female and gall types at the Museum of Comparative Zoology. From near Washington, D.C.; *Q. stellata*; Osten Sacken collector.

My redescrptions are from material I collected at Indian Rock, Virginia. The more northern (Beutenmuller, 1910) and the Florida (Ashmead, 1887) records of *verrucarum* probably apply to undescribed varieties, and there is not much possibility of the Connecticut *macrocarpa* records (Viereck, 1916) applying to this variety.

***Neuroterus* subgenus *Dolichostrophus* Ashmead**

Dolichostrophus Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 129; 1903, Psyche, X, p. 151. Dalla Torre, 1893, Cat. Hymen., II, p. 37.

Neuroterus (in part) Dalla Torre and Kieffer, 1902, Gen. Insec. Hymen. Cynip., p. 50; 1910, Das Tierreich, XXIV, p. 307.

FEMALE.—Eyes of moderate size; cheeks narrow, more or less slightly protruding beyond the eyes; malar space rather narrow with a distinct but shallow furrow; head in large part black; face more or less hairy; antennæ with 13. (14 in *dubius*) segments, the third half again to twice as long as the fourth; thorax black, piceous laterally, only a little longer than to twice as long as high or wide; mesonotum smooth to faintly coriaceous, naked of hairs or minutely hairy, without traces of lines or grooves; scutellum rounded, a little longer than wide, naked or hairy; mesopleuræ finely roughened; abdomen piceous and

black, only a little larger than the thorax, almost as high as to higher than long, distinctly triangulate, the ventral spine almost lacking; legs largely yellow, tarsal claws very fine, simple (weakly toothed in *contortus*); wings clear, ciliate, very short or not ciliate on the anterior margins; areolet placed symmetrically below the apex; radial cell of more moderate width, with the terminal portion of the subcosta rather long; the first abscissa bent only very near the subcosta; length 1.2-2.2 mm.

MALE.—Color similar to the female or more often largely yellow, the legs and antennæ more yellow; eyes more or less enlarged, in some cases distinctly protruding beyond the cheeks; the third segment of the antenna as long to twice as long as in the female and more or less distinctly curved; thorax including the scutellum more narrow and elongate; abdomen very small, much smaller than in the female; areolet larger or smaller than in the female; length a little greater than in the female.

GALL.—A simple, inseparable swelling of the affected part, usually several cells located together so the swelling is more or less continuous, polythalamous, but the cells separate in cupule or anther galls. Hyper-trophy never great, sometimes very little, irregular in outline (except in ament galls), succulent or woody as the normal tissue, covered with the normal tissue, solid, the larval cells with distinct but wholly inseparable linings. On older or younger stems, petioles, leaf veins, ament stems, anthers, or cupules; of white oaks of all groups.

RANGE.—North America, from the Atlantic to the Pacific, probably wherever white oaks occur.

TYPE.—*Cynips q. majalis* Bassett = *Neuroterus (Dolichostrophus) irregularis* variety *majalis* (Bassett). Implied by Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 129, and affirmed by Ashmead, 1903, Psyche, X, p. 151.

This subgenus is known from 8 American species, *batatus*, *contortus*, *decipiens*, *dubius*, *irregularis*, *minutus*, *quercicola*, and *rileyi*, representing 25 varieties. These eight species may present a total of about 240 distinct varieties. Other distinct species may be found among root swellings, or very slight stem or leaf vein swellings; some species may not produce galls at all, as is the case sometimes with *varians*. Direct alternate generations are known for 5 of the varieties, of three species, and can safely be predicted for all the varieties of *batatus*, *contortus*, *quercicola*, and *rileyi*. Four species occur only in eastern North America, one is known only from Texas, one is restricted to western North America, one is restricted to the Pacific Coast, and one is transcontinental. I do not recognize *Dolichostrophus* in the Old World.

The galls of *Dolichostrophus* are all very simple, but little better than larval cells in plant tissue, but there is some

hypertrophy, and in a few cases a considerable swelling. Any growing part of the plant is attacked, and the form of the gall (see *dubius*, *minutus*, and *quercicola*) is very largely determined by the nature of the plant tissue involved,—both of which are very primitive characteristics even in a genus like *Neuroterus*. The female insects show most of the primitive characteristics of subgenus *Diplobius*, differing mainly in having some hairs on the face, the thorax roughened, and the radial cell of moderate width. The males, however, are a distinct advance over *Diplobius* males, differing from the females in color (in most cases a considerable difference), in the lengthened thorax, the moderately enlarged eyes, and the slightly curved third antennal segment. These male characters are furthest differentiated in the species *irregularis*, and it is unfortunate that the most extreme species must serve as the type of the subgenus. The similarly simple galls of all *Dolichostrophus* species, and several of the insect structures point out the unity of the group, as do also the known life histories which are all very simple alternations of very similar, largely identical insects, and of galls which are clearly similar but differ as different parts of the plant are attacked. However, the several species are so distinct that they evidence quite diverse evolution along at least three different lines. Two pairs of species, *minutus* and *quercicola*, and *irregularis* and *decipiens*, are eastern and western developments of one primitive type; the two stem gall species, *batatus* and *rileyi*, show some distant relationships, with *contortus* still less closely connected; and the species *dubius* has a simple but distinct development along another path.

Neuroterus (Dolichostrophus) batatus (Fitch)

Figures 56, 61

FEMALE.—Head largely piceous or black; antenna brown, the first three or four segments yellow, with 13 segments, the third half again as long as the fourth; thorax entirely black, more or less longer than wide and high, as broad as or broader than the head; mesonotum and scutellum distinctly but finely coriaceous, almost naked of hairs; mesopleuræ finely roughened; abdomen black, moderately larger than the thorax, produced or not, sharply triangulate; legs yellow, the coxæ, the centers of all femora, and the hind tibiæ brown; areolet rather large to small; the first abscissa angulate or arcuate; length 1.2-2.2 mm.

MALE.—Largely agrees in color with the female, the thorax piceous laterally, the legs and antennæ uniformly yellow; abdomen with the petiole piceous or lighter in color; eyes only slightly enlarged; the third segment of the antenna not longer than in the female, only slightly curved; areolet smaller than in the female.

GALL.—A woody, elongate stem swelling, wholly inseparable. Polythalamous, with a great many larval cells. Of irregular surface and shape, twisted, but in large part cylindrical, tapering gradually to the stem at either end; up to 20. mm. in length and 8. mm. wide (bisexual forms), or 60. mm. long by 20. mm. wide (agamic forms); but sometimes several galls more or less fused, the surface covered with normal bark, drying brown in bisexual forms, with a whitish or purplish bloom in the agamic forms. Internally hard and woody, the tissue not considerably modified except by the larval cells, these cells densely packed, largely toward the surface, each with a distinct but wholly inseparable lining. The agamic form on young stems, involving petioles and leaf midveins, the bisexual form on older stems involving the bases of the petioles; on white oaks (figs. 56, 61).

RANGE.—Ontario to Michigan and Texas; probably thruout eastern North America. Similar galls from the Rocky Mountains may belong to a different species.

This species has been of more than usual interest because we have long known the life histories of two of the varieties, *batatus* and *noxiosus*. I have already published an account of these (1920, Bull. Amer. Mus. Nat. Hist., XLII, pp. 333-338). Summarizing, connections of the two generations were made in each case by Homer F. Bassett on observations dating from 1864 to 1873; he saw the alternating abundance of the two kinds of galls, and the great similarity amounting almost to identity of the galls and insects of the two generations, no exact experimental proofs being obtained; but all successive workers who have handled the species can confirm Bassett's data. Variety *batatus* furnished the first known instance (*Andricus operator* was the first case experimentally proved) of heterogeny among the Cynipidæ, while *noxiosus* was the fourth and last case Bassett studied. The agamic forms begin development in mid-summer, forming woody stem galls in which the insects spend the winter, emerging in the spring after the oaks are well growing. The bisexual generation forms less woody galls on younger parts of the plant, the insects developing quickly and emerging in June or early July, this generation producing females and males in about equal numbers. All this applies equally to varieties *batatus*, *noxiosus*, and *prini* in the northeastern parts of the U.S.

It will be very interesting to discover whether there are any differences in the biology of *obtusilobæ* from Texas.

The great similarity of the alternate generations in this species first suggested to me that the heterogeny of some Cynipidæ is a development of seasonal dimorphism. The differences in these insects are wholly those of size and shape of the abdomen, which are readily correlated with the differences in modes of reproduction. No one would differentiate the two insects but that one generation is agamic and the other bisexual, and the galls are rather different. The differences in the galls are clearly results of the states of the plant at the two seasons when the eggs are laid.

Each of the four varieties is confined to a single species of oak, and the several records of more than a single host are probably incorrect, being based on galls only. Each of the several faunal areas of the eastern half of the United States may have distinct varieties for each host, so about sixty varieties may be discovered. In addition to the material described here I have galls but no insects from *Quercus Prinus* from Mitchell, Indiana. The following references are to this species, but I cannot now assign them to particular varieties; they belong to faunal areas not covered by the described varieties.

Cynips quercus batatus Thomess, 1879, Trans. Ill. Hort. Soc. for 1878, p. 198.

Neuroterus noxiosus Gillette, 1888, 27th Rpt. Agric. Mich., p. 471; 1889, Psyche, V, p. 187. Nason, 1906, Ent. News, XVII, p. 8. Cook, 1910, Mich. Geol. and Biol. Surv. Publ., I, p. 30. Beutenmuller, 1910 (Iowa record), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 118.

Cynips quercus-batatus Packard, 1890, 5th Rpt. U.S. Ent. Comm., p. 111 (Canada).

Neuroterus batatus Beutenmuller, 1910 (Ohio, Illinois, and Colorado records), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 117. Brodie, 1896, Ann. Rpt. Forest Ont., p. 117, fig. 3. Cook, 1910, Mich. Geol. and Biol. Surv. Publ., I, p. 30. Washburn, 1918, 17th Rept. State Ent. Minn., p. 180.

The following references do not apply to this species:

Neuroterus batatus Ashmead, 1890, Colo. Biol. Assoc. Bull., I, p. 38 (is probably an underscribed species if it belongs to this genus).

Neuroterus quercus-batatus Fullaway, 1911, Ann. Ent. Soc. Amer., IV, p. 334 (is *Neuroterus quercicola pacificus* Beutenmuller).

Neuroterus noxiosus Thompson, 1915, Amer. Ins. Galls, pl. 1, fig. 16 (is a variety of *Plagiotrichus petiolicola* (Bassett).)

Batatus is one of the most primitive species in *Dolichostrophus*, as evidenced by the similarity of the males and females, for instance.

***Neuroterus batatus* variety *batatus*
agamic form *batatus* (Fitch)**

- Cynips Quercus-batatus* Fitch, 1859, 5th Rpt. Nox. Ins. N. Y., p. 810.
- Cynips quercus batatus* Osten Sacken, 1861, Proc. Ent. Soc. Phila., I, p. 71.
- Cynips quercus tuber* Osten Sacken, 1861 (not Fitch, 1859!), Proc. Ent. Soc. Phila., I, p. 71.
- Cynips q.-batatus* Osten Sacken, 1861, Ent. Zeit. Stett., XXII, pp. 410, 414. Packard, 1890, 5th Rpt. U.S. Ent. Comm., p. 113.
- Cynips q. batatus* Bassett, 1864, Proc. Ent. Soc. Phila., III, p. 684. Walsh, 1864, Proc. Ent. Soc. Phila., II, p. 493.
- Cynips batatus* Osten Sacken, 1865, Proc. Ent. Soc. Phila., IV, pp. 340, 344, 350, 354. Packard, 1881, U.S. Ent. Comm. Bull., VII, p. 56.
- Cynips quercus-batatus* Packard, 1881, U.S. Ent. Comm. Bull., VII, p. 39.
- Neuroterus batata* Mayr, 1881, Gen. Gallenb. Cynip., p. 37. Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. 296. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., p. 107.
- Neuroterus batatus* Bassett, 1882, Amer. Nat., XVI, p. 246. Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 132. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., p. 109. Beutenmuller, 1892, Bull. Amer. Mus. Nat. Hist., IV, p. 262, pl. XIII, fig. 1. Dalla Torre, 1893, Cat. Hymen., II, p. 40. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 50. Beutenmuller, 1904, Amer. Mus. Journ., IV, p. 107, fig. 41; 1904, Amer. Mus. Nat. Hist. Guide Leaf., 16, p. 21, fig. 41; 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26. Felt, 1905, N.Y. State Mus. Bull., 97, p. 426; 1906, Ins. Aff. Pk. and Woodl. Trees, II, pp. 618, 624; 1907, N.Y. State Mus. Bull., 110, p. 78. Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 117, pl. VIII, figs. 1-8. Stebbins, 1910, Springfield Mus. Bull., II, p. 29. Beutenmuller in Smith, 1910, Ins. N.J., p. 598. Felt, 1911, N.Y. State Mus. Bull., 147, p. 76. Thompson, 1915, Amer. Ins. Galls, pp. 6, 40, pl. 1, fig. 76. Viereck, 1916, Hymen. Conn., p. 384. Lutz, 1918, Fieldbook Ins., p. 464, pl. XCVIII, fig. 8. Felt, 1918, N.Y. State Mus. Bull., 200, pp. 56, 58, fig. 54. Britton 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 319.
- Neuroterus quercus-batatus* Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 334, 800, 825, fig. 55.
- Neuroterus batatus* form *batatus* Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, pp. 335, 377, figs. 10-13.

Neuroterus batatas Wells, 1921, Bot. Gaz., LXXI, p. 377, pl. XXII, fig. 1.

FEMALE.—The lower part of the face dark piceous, the mouth-parts rufo-piceous; the antennæ brownish yellow basally; thorax distinctly robust and only a little longer than wide; abdomen often (not always) produced ventrally; legs brownish yellow; areolet of moderate size or rather large; the first abscissa distinctly angulate with a slight projection; length 1.7-2.2 mm.

GALL.—As described for the species; large, woody, on stems of *Quercus alba*.

RANGE.—New Hampshire: Wolfeboro. Massachusetts: Everett (Clarke); Marthas Vineyard, Blue Hills, Boston; Auburn, Amherst (Thompson); Springfield (Stebbins); Westport (Felt). Rhode Island: Providence (Thompson). Connecticut: New Haven (Champlain, Walden); Waterbury (Bassett); Durham (Lowry in coll. Conn. Exp. Sta.). New York: New York City, Neperan, Long Island City (Beutenmuller); Staten Island (W. T. Davis); S. E. Easton Hills, Rochester (Felt). New Jersey: Fort Lee (Beutenmuller); New Brunswick (J. B. Smith). Probably restricted to a northeastern area of the United States.

TYPES.—Fitch types not located. "Types" of Bassett material cannot have authority.

I have not seen the Fitch types, but Dr. Felt has sent me material from Albany, New York, which is probably near the type locality.

The gall of this generation begins development in mid-summer, the insects remaining in the galls over winter and emerging in April or early in May. Thus this agamic generation takes nine or ten months to develop, while the bisexual occupies only a couple of months. This variety is probably restricted to the single oak, *Q. alba*, in the northeastern part of the United States. The insect of variety *noxiosus* is very similar, differing mainly in coloring and its restriction to *Q. bicolor*.

Neuroterus batatas* variety *batatas

bisexual form *bisexualis* Kinsey

Involved, without distinctive name, in most references to the agamic form dated 1865 or later.

Neuroterus batatas form *bisexualis* Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, pp. 334, 377, figs. 8 and 9.

FEMALE.—Differs from the female of the agamic generation only in having the abdomen less often produced ventrally, the whole insect averaging smaller, 1.2-2.0 mm.

MALE.—As described for the species.

GALL.—Similar to that of the agamic generation, but much smaller. On young stems of *Quercus alba*.

RANGE.—As given for the agamic form.

TYPES.—In my 1920 paper I designated Bassett material of this form as types of *bisexualis*; I had examined material in all of the following collections: the Philadelphia Academy, the American Museum of Natural History, the Museum of Comparative Zoology, and the Kinsey collection. From Waterbury, Connecticut; *Q. alba*; Kinsey collector.

These galls start growth about the middle of May, the adults emerging, in about equal numbers of the sexes, by the middle of June or later.

***Neuroterus batatus* variety *noxiosus*
agamic form *noxiosus* (Bassett)**

—Bassett, 1873, Can. Ent., V, p. 92; 1873, Trans. Ent. Soc., Lond., p. XV; 1877, Can. Ent., IX, p. 121.

Cynips noxiosa Bassett, 1881, Can. Ent., XIII, p. 108. Packard, 1881, U. S. Ent. Comm. Bull., VII, p. 57. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 200.

Neuroterus noxiosus Mayr, 1881, Gen. Gallenbew. Cynip., p. 37. Bassett, 1882, Amer. Nat., XVI, p. 246. Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 303. Ashmead in Packard, 1890, 5th Rpt. U. S. Ent. Comm., pp. 107, 109. Beutenmuller, 1892, Bull. Amer. Mus. Nat. Hist., IV, p. 262. Dalla Torre, 1893, Cat. Hymen., II, p. 44. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Amer. Mus. Journ., IV, p. 107, fig. 42; 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 27; 1904, Amer. Mus. Nat. Hist. Guide Leaf., 16, p. 21, fig. 42. Felt, 1906, Ins. Aff. Pk. and Woodl. Trees, II, pp. 618, 624, 711. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 118, pl. IX. Beutenmuller in Smith, 1910, Ins. N. J., p. 598. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, p. 330, 809, 827. Stebbins, 1910, Springfield Mus. Bull., II, p. 30. Felt, 1915, N. Y. State Mus. Bull., 180, p. 115. Thompson, 1915, Amer. Ins. Galls, pp. 6, 13, 41 (not *Q. Prinus* record; not figs., not pl. 1, fig. 16). Viereck, 1916, Hymen. Conn., p. 391. Felt, 1918, N. Y. State Mus. Bull., 200, pp. 58, 84, fig. 55. Lutz, 1918, Fieldbook of Ins., p. 464, pl. XCVIII, fig. 11. Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320.

Neuroterus noxiosa Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 132.

Neuroterus consimilis Bassett, 1900 (female and gall, not male), Trans. Amer. Ent. Soc., XXVI, p. 335. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 50; 1910, Das Tierreich, XXIV, pp. 340, 800, 825. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 119, pl. X, fig. 3. Thompson, 1915, Amer. Ins. Galls, pp. 6, 40. Viereck, 1916, Hymen. Conn., p. 387. Felt, 1918, N. Y. State Mus. Bull., 200, p. 56, fig. 81 (3). Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 198.

Neuroterus noxiosus form *noxiosus* Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, p. 338 (not *Q. Prinus* record, not figs.).

FEMALE.—Face piceous, shading to light rufo-piceous on the mouthparts; antennæ golden yellow basally; thorax not very robust nor greatly elongate; abdomen distinctly produced ventrally; legs golden yellow; areolet of moderate size to small; the first abscissa somewhat angulate, with a less distinct projection than in *prini*; length 1.5-2.0 mm.

GALL.—As described for the species; large, woody; on stems of *Quercus bicolor*.

RANGE.—Massachusetts: Everett (Clarke); Boston, Marthas Vineyard; Amherst (Thompson); Springfield (Stebbins). Rhode Island: Providence (Thompson). Connecticut: New Haven (Champlain, Walden); Stonington (I. W. Davis in Conn. Exp. Sta.); Waterbury (Bassett). New York: New York City (Beutenmuller); Staten Island (W. T. Davis); Mt. Vernon, Spring Valley (Felt). New Jersey: Fort Lee (Beutenmuller); New Brunswick (J. B. Smith); Broadway.

TYPES.—Of *noxiosus*: Holotype female, paratype females, and galls in the Philadelphia Academy; paratype females and galls in The American Museum of Natural History and the Museum of Comparative Zoology, and in the Kinsey collection. From Waterbury, Connecticut; *Q. bicolor*; Bassett collector.

Of *consimilis*: Holotype and paratype females and galls at the Philadelphia Academy; from Waterbury, Connecticut; *Q. alba*; Bassett collector.

This agamic gall begins to develop in mid-summer, the insects staying in the galls nine or ten months, emerging from March 24 to early May.

Noxiosus has always heretofore been considered a distinct species, no one having pointed out the very close resemblance to *batatus*. If this is remembered it will help one to understand the distinctness of my other varieties. *Noxiosus* differs from *batatus* mainly in slight color characters, the slightly different shape of the abdomen, and the size of the areolet being the total of other differences. To be consistent, some workers should treat *noxiosus* as a complete synonym of *batatus*, which no one will do in the face of the patent loss of good host and life history data.

Upon examination of paratypes of *consimilis*, I find that the male is clearly a *Plagiotrichus* while the female is a *Neuroterus*, and these insects entirely agree with the original descriptions. It is not certain which insect may have produced the compacted, woody galls which Bassett had, for both genera are capable of them. The species of the female is certainly *batatus*, and the variety is *noxiosus* as nearly as

I can tell from a single specimen. The mouthparts are slightly darker than the average of types of *noxiosus*, but this may be only an individual variation. The holotype of *consimilis* is a female, and consequently this name goes into synonymy with *noxiosus*, while the male is unnamed and need not cause confusion in the handling of the genus *Plagiotrichus*. The finding of *consimilis* on *Q. alba* is not in accord with other records for *noxiosus*, but until we have additional data, it is not evident whether the *consimilis* host record is wrong or whether this is one of the rare cases where the insect oviposited on other than its normal host. Bassett was on a whole very accurate in his observations, but a number of curious confusions in his last paper (1900) may be connected with his advanced age at that time.

Neuroterus batatus* variety *noxiosus

bisexual form *vernalis* Kinsey

Involved, without distinctive name, in most references to the agamic form.

Neuroterus noxiosus form *vernalis* Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, p. 337 (not *Q. Prinus* record, not figs.).

FEMALE.—Differs from the female of the agamic form only in having the abdomen smaller, not produced dorsally or ventrally, the whole insect being smaller, 1.2-1.7 mm.

MALE.—As described for the species.

GALL.—As described for the species; twisted, moderately woody, on young stems, petioles, and leaf-midveins of *Quercus bicolor*.

RANGE.—As given for the agamic form.

TYPES.—Females, males, and galls in the Philadelphia Academy, The American Museum of Natural History, the Museum of Comparative Zoology, and the Kinsey collection. From Waterbury, Connecticut; *Q. bicolor*; Bassett collector. Designated as types by Kinsey, 1920.

This gall starts growth in May, the insects emerging from June 12 to July 5. My 1920 record of sex ratios applies to variety *prini*.

***Neuroterus batatus* variety *obtusilobæ* (Karsch)**

agamic form

Diplolepis (*Neuroterus*) *q. obtusilobæ* Karsch, 1880, Zeit. Ges. Nat. Berlin, LIII, p. 293, pl. VI, figs. 3a, 3b.

Cynips obtusilobæ Dalla Torre 1893, Cat. Hymen., II, p. 74.

Neuroterus obtusilobæ Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 120, pl. XIII, fig. 8. Felt, 1918, N. Y. Mus. Bull., 200, p. 75, fig. 85 (8).

Neuroterus quercus-obtusilobæ Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 341, 805, 834.

FEMALE.—Described as having the areolet about closed and the length 2.0 mm.

GALL.—As described for the species; on *Quercus stellata*.

RANGE.—Texas: Dallas. Probably confined to more eastern Texas and parts of adjacent states.

TYPES.—Probably at the Berlin Museum. From Dallas, Texas; on *Q. stellata*.

Unfortunately type material of this gall has been inaccessible to American students, and I am making my interpretation on the basis of the published descriptions and figures. These indicate rather clearly the relationship to *batatus*, but do not provide many points for comparison with related varieties. The closed areolet, host, and range should make it possible to recognize further material.

***Neuroterus batatus* variety *prini*, new variety**
bisexual form *prini*, new form

Neuroterus noxiosus Thompson, 1915, Amer. Ins. Galls, pp. 6, 13, 41, pl. IV, fig. 118 (only *Q. Prinus* records).

Neuroterus noxiosus form *vernalis* Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLII, p. 337, pl. XXIX, figs. 14-16 (only *Q. Prinus* record).

FEMALE.—Face piceous, shading to yellowish piceous on the mouthparts; antennæ straw yellow basally; thorax not very robust nor clongate; abdomen distinctly produced ventrally; legs yellow; areolet of moderate size to small; the first abscissa distinctly angulate near the subcosta, with a more distinct projection than in *noxiosus*; length 1.2-1.7 mm.

MALE.—As described for the species.

GALL.—Similar to that of *noxiosus* form *vernalis*; on *Quercus Prinus*.

RANGE.—Rhode Island or eastern Massachusetts. Probably confined to *Q. Prinus* in a more northeastern part of the United States.

TYPES.—41 females, 65 males, 7 galls. Holotype female, paratype females, males, and galls at the Boston Society of Natural History; paratype females, males, and galls at The American Museum of Natural History, the U. S. National Museum, the Museum of Comparative Zoology, and the Philadelphia Academy, and in the Kinsey collection. Labelled Providence, Rhode Island, or Massachusetts; June 18, 1906, and July 5, 1907; *Q. Prinus*; M. T. Thompson collection number 118.

This insect is very closely related to *noxiosus* form *vernalis*, but is constantly different in the lighter yellow bases of the antennæ and the more pronounced spur on the first abscissa. The host, *Q. Prinus*, is very distinct from the host of *noxiosus*. The type material comes from 276 females and 233 males bred by Dr. M. T. Thompson, the material not marked with a definite locality but very certainly from either the neighborhood of Providence, Rhode Island, or the eastern part of Massachusetts, where Dr. Thompson did practically all of his collecting.

***Neuroterus batatus* variety *prini*
agamic form *deprini*, new form**

Neuroterus noxiosus form *noxiosus* Kinsey, 1920, (*Q. Prinus* record only), Bull. Amer. Mus. Nat. Hist., XLII, p. 338, pl. XXIX, figs. 17-19.

FEMALE.—Differs from the female of the bisexual generation only in having the abdomen large, more angulate, and the length slightly greater, 1.5-2.0 mm.

GALL.—As described for the species for agamic forms; on *Quercus Prinus*.

RANGE.—As given for the bisexual form.

TYPES.—41 females, 10 galls. Holotype female, paratype females, and galls at the Boston Society of Natural History; paratype females and galls in The American Museum of Natural History, the U. S. National Museum, the Museum of Comparative Zoology, the Philadelphia Academy, and the Kinsey collection. Labelled Providence, Rhode Island, or Massachusetts; April 8, 1906; *Q. Prinus*; M. T. Thompson collection number 118.

***Neuroterus (Dolichostrophus) contortus* (Weld)**

Figures 13, 58, 59

FEMALE.—Malar space of moderate width; head brown, shading to golden yellow on the face and mouthparts; antennæ with 13 segments, the third only half again as long as the fourth; thorax golden brown, more yellow laterally, narrow, elongate, half again as long as wide, as high as wide, with a very few hairs; mesopleuræ almost but not wholly smooth and shining; abdomen entirely black, more or less compressed, not produced dorsally nor ventrally, not sharply triangulate; legs uniform golden yellow; tarsal claws fine with a very weak tooth; areolet quite small; radial cell decidedly short; the first abscissa not sharply angulate near the subcosta, hardly with a projection; length 1.2-1.8 mm.

MALE.—Head and thorax entirely brownish yellow, abdomen black; eyes moderately enlarged; the third segment of the antenna hardly

longer than in the female but distinctly curved; the areolet smaller than in the female (fig. 13).

GALL.—An irregular stem swelling, wholly inseparable. Polythalamous. Individual galls up to 20. mm. long and 8. mm. wide, but sometimes several galls are closely adjacent and more or less fused. Externally very rough, small, irregular, raised spots indicating some of the larval cells; covered with greenish, young bark, drying browner. Internally woody, most woody centrally, with a great many, densely packed, small larval cells, 1.7 mm. long by 0.7 mm. in width, mostly toward the surface; the lining distinct but wholly inseparable. On young stems, involving young petioles and deforming the young leaves; at the crowns (or on roots?) of *Quercus breviloba* (figs. 58, 59).

RANGE.—Texas: Austin. Probably occurs thruout eastern Texas and adjacent parts of Louisiana and Oklahoma.

The agamic generation is known from galls and adults obtained by Weld in 1917, and from a quantity of material Dr. J. T. Patterson has bred. Several hundred insects of the bisexual generation were bred by Dr. Patterson in the spring of 1922. I first connected the alternate generations of this insect on the basis of the complementary dates of development and the extremely close similarity of the insects and galls, and this similarity is enough to make the relation unquestionable. Dr. Patterson confirms this by his experimental data. The agamic generation starts growth in April; Dr. Patterson describes the galls as nearly fully formed by the last of April, with small larvæ in the galls by July; Weld found pupæ on October 16 and 30, with live adults in the galls on December 1 and 12. Emergence is in the relatively mild winter season of Texas or in the early spring, from before the last of January to after the 7th of February, according to Dr. Patterson's records. Dr. Patterson states that he has secured 10 males with 231 females of this agamic generation, but that these males are unable to mate with the females, altho they attempt to copulate; the females appear to have completely lost the mating instincts, as have the males to some degree. These males are apparently functionless, which is a most interesting case of this sex persisting as a generation becomes agamic. I have seen four of these males. The bisexual generation develops quickly in the spring, Dr. Patterson obtaining adults on April 3, 1922. He has sent me almost three times as many males as females, so probably the sexes occur in about equal numbers. The galls of the two generations are similarly located at the crown of the tree, and differ

very little in structure. I do not see any differences between the insects of the two except in the larger size which is almost always correlated with agamic reproduction of *Cynipidæ*. The close similarity of the alternates is one reason for placing *contortus* in this genus. This is the only root gall yet known in *Neuroterus*, but the gall is sometimes on stems at the crown of the tree.

Weld records a specimen of this species obtained from Palestine, Texas, on *Quercus stellata*. It may belong to a distinct host variety. Probably still other white oaks of eastern Texas, Louisiana, and Oklahoma are hosts for this species.

In the original description *contortus* was considered to have abbreviated wings, and was placed in the genus *Xystoteras* with the remark: "If wings are considered normal, it would run in the key to *Neuroterus*, to which it is not closely related". The wings, however, are quite normal in length, as Dr. Patterson's large bred series clearly shows. The insect is not nearly as distinct from typical *Dolichostrophus* as are species of any of the other subgenera. It is, admittedly, the most distinct in color, but a generic separation can hardly be warranted on such a character. There is almost as much color difference between northern and southern European varieties of single species of *Neuroterus*. The much shortened radial cell is distinctive. The weak tarsal claw is peculiar to this species in this subgenus but most of the subgenus *Spathegaster* has a well developed tooth on the claw, and it is probable that such a condition is evolving at the ends of several of the diverse lines of evolution within the genus.

***Neuroterus contortus* agamic form *contortus* (Weld)**

Xystoteras contorta Weld, 1921, Proc. U. S. Nat. Mus., LIX, p. 209, pl. 30, figs. 10, 11.

FEMALE.—Differs from the female of the bisexual form only in having the abdomen much larger, as long as the head and thorax together, and higher than long, the wings in consequence appearing shorter; averaging a little larger, from 1.7-1.8 mm.

GALL.—Not greatly different from the gall of the other generation, somewhat larger and more smooth, probably due to the leaves having worn off (fig. 59).

TYPES.—Four cotype females and galls. Females and galls in the U. S. National Museum, and a cotype female in the Kinsey collection. Labelled Austin, Texas, Dec. 12, 1917; *Q. breviloba*; Weld collector; U.S. National Museum number 22585.

Neuroterus contortus

bisexual form *principalis*, new form

FEMALE.—Differs from the female of the agamic form only in having the abdomen much smaller, hardly as long as the head and thorax combined, and not as high as long, not produced either dorsally or ventrally; and in averaging smaller, from 1.2-1.8 mm.

MALE.—As described for the species.

GALL.—Not greatly different from the gall of the other generation; somewhat smaller and more ragged with deformed leaves and twisted petioles of young leaves (fig. 58).

TYPES.—46 females, 116 males, and 3 galls. Holotype female and paratype females, males, and gall in The American Museum of Natural History; paratype adults and galls in the Kinsey collection; paratype adults in the U.S. National Museum, the Museum of Comparative Zoology, the Philadelphia Academy, Stanford University, and the California Academy. Labelled Austin, Texas; April 3, 1922; *Q. breviloba*; Patterson collector.

***Neuroterus (Dolichostrophus) decipiens* Kinsey**

bisexual form

Figures 3, 49, 50

Neuroterus decipiens Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 292, pl. XXIV, fig. 9. McCracken and Egbert, 1922, Stanf. Univ. Pub., III (1), p. 9.

FEMALE.—Head largely black, face yellow piceous to straw yellow, mouthparts straw white; antennæ brown, golden yellow basally, with 13 segments, the third almost twice the length of the fourth; thorax only a little longer than high and wide; mesonotum and scutellum smooth, naked of hairs; mesopleuræ finely roughened; abdomen wholly black, as long as high, distinctly produced dorsally; legs golden yellow, piceous on the coxæ, slightly brownish in the centers of the femora; areolet rather small; basalis without a brownish cloud; radial cell almost one-half closed; length 1.5-2.0 mm.

MALE.—Whole body bright yellow, hardly browner on the dorsal surfaces of the head and thorax and on the abdomen; eyes enlarged but not greatly so; the third segment of the antenna hardly longer than the first plus the second, distinctly curved (fig. 3).

GALL.—A leaf blade swelling involving both surfaces of the leaf; each larval cell apparent on the surface as a distinct, egg-shaped cell, the

walls thin and without any other cell lining, each cell about 1.7 by 1.0 mm.; clusters up to about 15. mm. in diameter contain up to 60 cells; succulent as the young leaf; on the young leaves of *Quercus Douglasii* (figs. 49, 50).

RANGE.—California: Stanford University, Brentwood (McCracken); Diablo (F. A. Leach coll.); Redding, Oroville, Merced Falls, Three Rivers. Probably wherever *Q. Douglasii* occurs.

TYPES.—39 females, 11 males, and 40 clusters of galls. Holotype female, paratype females, males, and galls in The American Museum of Natural History; paratype adults and galls in the U.S. National Museum, Stanford University, the Philadelphia Academy, and the Kinsey collection; paratype galls at the British Museum. Labelled Redding, California; April 2, 1920; *Q. Douglasii*; Kinsey collector.

The gall of this species appears abundantly very early in the spring, with the unfolding of the leaves of the oaks. The insects mature within a very short time, and the galls are empty within a few weeks. Adults emerged in 1920 on March 22 at Three Rivers, on April 1 at Oroville, and April 2 at Redding, the later localities being further north. Different trees at a single locality show great differences in the dates of development of these galls, indicating that the insect is considerably dependent upon the state of its host. Of 366 insects I have bred, only 99, or 27 per cent, are males. This is still lower than the percentage for the related *irregularis*, but inasmuch as three separate collections agree in this respect it may be true that the males are disappearing from the species. An alternate, agamic generation undoubtedly does exist, but does not appear to have been discovered as yet. McCracken and Egbert record *Quercus dumosa* and the related *Q. durata* as further hosts of *decipiens*. Undoubtedly a distinct variety of the insect is represented, distributed throughout more southern California. It is peculiar that this gall has not been recorded from *Q. lobata*.

Decipiens is the Pacific Coast equivalent of *irregularis*, just as many other American species are paired, eastward and westward, showing common origins but sufficient isolation to have evolved distinct groups of varieties. The differences between *irregularis* and *decipiens* are not many, but they are distinct and involve insects, galls, and distributions.

Neuroterus (Dolichostrophus) dubius Bassett
bisexual forms

Figures 22, 53, 54

FEMALE.—Head black; antennæ brown, lighter basally, with 14 segments, the third hardly half again as long as the fourth; thorax entirely black, about half again as long as wide and high, sparsely hairy on the edges, more hairy on the scutellum; mesonotum and scutellum largely smooth to distinctly roughened, in some varieties with more or less distinct and more or less continuous parapsidal grooves; mesopleuræ finely roughened; abdomen piceous black, not as shriveled as is usual in the genus, the segmentation visible, the hypopygium and ventral spine larger than usual in the subgenus; legs mostly yellow; cubitus clearly discontinuous; areolet small; length 1.2-1.7 mm. (fig. 22).

MALE.—Largely agrees with the female in color; eyes only moderately enlarged; the third segment of the antenna not longer than in the female, slightly curved, the radial area more or less closed.

GALL.—A small, egg-shaped capsule; monothalamous, thin-walled, entirely hollow, 2.0-3.0 mm. long by 1.0 mm. in diameter, pointed at one end, drying light yellowish brown, scatteringly set with short wool. On the edge of the leaf or on the aments of white oaks (figs. 53, 54).

RANGE.—Massachusetts to California. Probably thruout North America, wherever white oaks occur.

This very interesting insect is so distinct from other species of the subgenus as to suggest that it has had a very distinct evolution, but until we know more about the species, and know other closely related species, it will be well to keep *dubius* in *Dolichostrophus*. The symmetrically placed areolet, and in the male the elongate thorax, very small abdomen, and curved second antennal segment are clearly *Dolichostrophus* characters. The roughened thorax, especially the roughened scutellum, the more or less clearly indicated parapsidal grooves, the more rigid abdomen showing a clear segmentation, and the number of the antennal segments are characters which are unique to this species in the subgenus. The number of antennal segments and the indication of parapsidal grooves are characters found in *N. vesicula* which belongs to a distinct subgenus, but it is not entirely evident that *dubius* can be a connecting form between *Dolichostrophus* and *Neospathogaster*, but rather that there has been some parallel evolution. *Vesicula* and *dubius* are the only American species of *Neuroterus* with 14 segments in the female and 15 in the male antennæ. Altho several

published descriptions give 14 segments for female antennæ, all but these two records are errors; only irregularly do individuals of some of the other species of this subgenus show 14 segments, while *dubius* has that number regularly.

Two varieties previously described, and one new variety, all known from only a limited amount of material, represent about all we yet know of *dubius*, and this information is not sufficient to warrant too much prediction concerning the occurrence of other varieties; but the wide distribution of the known varieties suggests that many faunal areas and many hosts are affected, with consequently several score of varieties in existence. In addition to the varieties described here, I have an insect from *Q. prinoides* in eastern Massachusetts.

All of the known varieties are bisexual, in spring galls, the insects emerging not very late in the spring. The galls of only a single form are known, the other insects having curiously turned up in collections of galls of other Cynipidæ. Probably the galls of all varieties are so small and simple as to be overlooked in collecting.

***Neuroterus dubius* variety *clarkeæ* Beutenmuller**

Neuroterus clarkeæ Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 132, pl. XII, figs. 12, 13. Felt, 1918, N.Y. State Mus. Bull., 200, p. 112, fig. 53 (12, 13).

FEMALE.—Mouthparts piceous yellow, only the first three antennal segments yellow; mesonotum largely smooth, with little or no traces of parapsidal grooves; scutellum only in part roughened, the basal furrow smooth; legs light yellow, in part suffused with light brownish; areolet very small, almost closed; length 1.2-1.5 mm.

MALE.—As described for the species; with the first three antennal segments yellow; with only fine indications or no indications of parapsidal grooves.

GALL.—As described for the species; on the edge of the leaf, or on aments of *Quercus alba* (figs. 53, 54).

RANGE.—Massachusetts: Magnolia (Clarke coll.). New Jersey: Broadway. Probably confined to a more northeastern portion of the United States.

TYPES.—Females, males, and galls in the Beutenmuller collection. From Magnolia, Massachusetts; *Q. alba*; Cora H. Clarke collector.

Beutenmuller's Massachusetts material emerged in late May and early June; my New Jersey material emerged soon after collecting on May 19, 1920. The type galls occurred on leaves; my material was on the aments; I have not been able

to examine the type material, but I think there can be no question of the varietal identity of my own insects. The galls are very similar to most anther galls, but bear a scattered wool. There are irregular traces of parapsidal grooves near the scutellum on some of my males, but not on all of them. The occurrence of the type galls on leaves and of my galls on aments is merely typical of the gall polymorphism in this subgenus, where any young tissue may be attacked, the insects showing little specialization in their choices of points of oviposition.

***Neuroterus dubius* variety *digressus*, new variety**

FEMALE.—Mouthparts rufous; the first four (at least) antennal segments yellow; mesonotum almost entirely smooth, with distinct, fine, continuous, smooth parapsidal grooves extending to the pronotum; scutellum only in part roughened, quite hairy, the basal furrow smooth; legs golden yellow except the piceous coxæ; areolet small, but a little larger than in other varieties.

MALE.—As described for the species.

GALL.—Not known. On *Quercus lobata*.

RANGE.—California: Coalinga. Probably occurs thruout the range of *Q. lobata* in Central California.

TYPES.—5 females, 1 male, no galls. Holotype female and paratype female in The American Museum of National History; paratype females and male in the Kinsey collection. Labelled Coalinga (Alcalde), California; March 21, 1920; *Q. lobata*; Kinsey collector.

The type material was found among a lot of insects from ament galls of *Neuroterus pacificus*, and the galls of *digressus* were not identified, probably because they are small, simple cells in the aments, in the accompanying buds, or on the young leaves. The insects emerged sometime before the end of March in 1920. Altho geographically distant from the range of variety *dubius*, there is no doubt that *digressus* belongs to the same species.

***Neuroterus dubius* variety *dubius* Bassett**

Neuroterus dubia Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 335.

Thompson, 1915, Amer. Ins. Galls, p. 40. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 199.

Neuroterus dubius Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51; 1910, Das Tierreich, XXIV, p. 332. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 130. Viereck, 1916, Hymen. Conn., p. 388. Felt, 1918, N. Y. State Mus. Bull., 200,

p. 120. Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320.

FEMALE.—Mouthparts light rufous, the first four antennal segments yellow; mesonotum in large part roughened, with rather distinct, roughened traces of parapsidal grooves for the posterior half of the mesonotum; scutellum closely, entirely roughened, the basal furrow somewhat roughened; legs wholly golden yellow; areolet very small; length 1.5 mm.

MALE.—As described for the species; with only three antennal segments yellow; with fine and more or less broken parapsidal grooves, but these distinct to the pronotum.

GALL.—Not known. Probably similar to those described for the species. Apparently on *Q. stellata*.

RANGE.—Connecticut: Waterbury. Probably confined to a more northeastern portion of the United States.

TYPES.—3 females, 5 males, no galls. Holotype female, paratype females, and males at the Philadelphia Academy. From Waterbury, Connecticut; *Q. stellata*; Bassett collector.

The above descriptions are made from a paratype female and a paratype male. This insect was obtained by Bassett from a box of galls of *Andricus pruinosus*, and he did not find galls which might have been made by the *Neuroterus*. *Pruinosus* comes from *Quercus stellata*, and probably *dubius* has the same host.

***Neuroterus (Dolichostrophus) irregularis* (Osten Sacken)**

bisexual forms

Figures 4, 5, 14, 52

FEMALE.—Head largely black, the face piceous; antennæ brown, yellow to straw white basally, with 13 segments, the third twice as long as the fourth; thorax black, only a little longer than high or wide; mesonotum and scutellum smooth to faintly coriaceous, naked of hairs; mesopleuræ finely roughened; abdomen in part black, in part piceous, higher than long, extending ventrally almost or fully as far as dorsally; legs wholly straw yellow or whitish; areolet rather large, variable in size; a faint brownish cloud at the midpoint of the basalis; radial cell very largely closed; length 1.5-2.0 mm. (figs. 4, 14).

MALE.—Head black, the lower part of the face lighter than in the female, thorax dorsally and abdomen more or less brown, the thorax laterally and the petiole yellow to straw white; eyes very considerably enlarged; antennæ generally lighter, with the third segment much lengthened, distinctly curved, half again as long as the first plus the second; length a quarter greater than in the female (fig. 5).

GALL.—A thick, leaf blade swelling, involving both surfaces of the leaf, with the larval cells mostly deeply imbedded. Polythalamous.

Galls generally elongate, oval, as thick as wide, up to 5. mm. wide by 15. mm. long, several galls often fusing; green, very succulent, shrivelling considerably upon drying; solid, the larval cell with a distinct but inseparable lining, lying mostly below the surface, only rarely evident on the surface. Smooth, naked, and larger when on *Quercus alba*; very pubescent and smaller when on *Quercus stellata* (fig. 52).

RANGE.—Ontario to Texas. Probably thruout eastern North America.

The galls of this species appear on the very young, unfolding leaves, and very quickly mature, the insects emerging before the leaves are fully expanded. This, of course, is earlier further south, April and May, to early June in New England. The galls become shrivelled and decayed, and only a few remnants will be found later in the summer. Of 430 insects which I have bred for all varieties, 167, or 39 per cent, are males. This is higher than the percentage for the related *decipiens*, but may show a tendency toward the reduction of the male.

This is clearly the eastern equivalent of *Neuroterus decipiens*, but the two are distinct species. The present species is closely related to *Neuroterus minutus*, but *irregularis*, altho one of its varieties is the type of the subgenus, is certainly an extreme in *Dolichostrophus*. *Irregularis* varieties are very poorly defined, and rest in all but one instance on color and size characters, the males being most distinctive. Apparently the eastern third of the United States does not possess the sharply defined faunal areas of the Pacific Coast, and the more uniform geography of the east would lead one to expect this. Further, the eastern oaks are in many instances more closely related than those of the west, and host isolation, in *irregularis* at any rate, does not appear to have developed distinct insects. These conditions, combined with considerable individual variation, so obscure the group variation that I would hesitate to determine single specimens of the females and sometimes of the males of varieties of this species.

About 40 varieties may be found on the white oaks proper of the eastern half of the United States. The following references are to probably undescribed varieties of *irregularis*.

Neuroterus majalis Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 139 (Florida, on *Q. Prinus*). Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 134 (Florida record only). Cosens, 1912, Trans. Can. Inst., IX, p. 354, fig. 67 (Ontario, on *Q. alba*).

Neuroterus irregularis Cook, 1902, Ohio Univ. Bull., ser. 6 (15), p. 267, fig. 25 (a, b) (Ind., on *Q. macrocarpa*).

Neuroterus quercus-majalis Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 335, 820, 836 (*Q. Prinus*, Florida record only).

***Neuroterus irregularis* variety *albipleuræ*, new variety**

FEMALE.—Face piceous, shading to straw yellow on the mouth-parts; antennæ very light brown, straw color basally; thorax robust, piceous black; scutellum as wide as or wider than long; legs straw white to almost pure white; veins a medium brown; cubital vein distinct to the basalis; length 1.5-2.0 mm.

MALE.—Thorax straw white, mesonotum dark brown anteriorly, straw yellow posteriorly; thorax more robust, the scutellum often as wide as long; abdomen rather dark brown.

GALL.—As described for the species; on *Quercus breviloba*.

RANGE.—Texas: Austin. Probably confined to an area in central Texas.

TYPES.—41 females, 42 males, 1 gall. Holotype male and paratype females and males at The American Museum of Natural History; paratype females and males at the U.S. National Museum, the Philadelphia Academy, the Museum of Comparative Zoology, and Stanford University; paratype females, males, and gall in the Kinsey collection. Labelled Austin, Texas; spring, 1921; *Q. breviloba* (and *Q. stellata*); Patterson collection number 36.

This variety, collected and bred by Dr. Patterson, is the only one which is readily separated on other than color characters. The broader thorax, with the scutellum often as broad as long, the lighter brown terminal portions of the antennæ, and the lighter piceous color of the thorax, are good characters for distinguishing the insect from *variegatus*.

***Neuroterus irregularis* variety *irregularis* (Osten Sacken)**

Cynips quercus irregularis Osten Sacken, 1861, Proc. Ent. Soc. Phila., I, p. 65.

Cynips q. irregularis Osten Sacken, 1861, Ent. Zeit. Stettin, pp. 409, 413.

Cynips irregularis Osten Sacken, 1865, Proc. Ent. Soc. Phila., IV, pp. 340, 344, 349, 353. Packard, 1881, U.S. Ent. Comm. Bull., VII, p. 56.

Neuroterus irregularis Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 304; 1887, Trans. Amer. Ent. Soc., XIV, p. 129. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., pp. 107, 110. Dalla Torre, 1893, Cat. Hymen., II, p. 42. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1910 (in part only), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 134. Thompson, 1915 (in

part), Amer. Ins. Galls, pp. 14, 40. Felt, 1918, N. Y. State Mus. Bull., 200, p. 90. Wells, 1921, Bot. Gaz., LXXI, p. 377, pl. XXII (13). Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 285.

Neuroterus quercus-irregularis Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 339, 813, 834.

Neuroterus (Dolichostrophus) irregularis Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 129.

FEMALE.—Face almost black, mouthparts light yellow; antennæ dark brown, lighter or darker straw yellow basally; legs straw yellow or lighter, sometimes a slight tinge of brownish on the centers of the femora; wing veins yellowish brown; areolet averaging rather smaller; cubital vein faint at the basalis; length 1.2-1.7 mm.

MALE.—Thorax yellow, mesonotum in most cases wholly dark brown to brownish black, a touch of brown even on the scutellum; thorax slender, the scutellum longer than wide; abdomen brown to almost black.

GALL.—As described for the species; on *Quercus stellata* and *Q. alba*.

RANGE.—D.C.: Washington (Osten Sacken). Virginia: Rosslyn. Indiana: Bloomington. Tennessee: Paris. Kentucky: Mammoth Cave. Probably confined to a more southeastern part of the United States.

TYPES.—A single male (without abdomen) and galls, at the Museum of Comparative Zoology. From near Washington, D.C.; *Quercus stellata*; Osten Sacken collector.

Adults emerged a short time after collecting in 1920, at Paris, Tennessee, on May 4, and at Rosslyn, Virginia, on May 16. The latter locality is only a few miles from the Capitol, and is therefore very nearly the type locality. My descriptions are based on this Rosslyn material. I have seen the type, but have not had a chance to compare it in detail with my own material. It is not impossible that the Indiana, Tennessee, and Kentucky records represent another variety, but I do not now detect any constant, grouped differences. This variety is smaller than, and differs in details of color from *majalis* and *variegatus*. I have both *Q. stellata* and *Q. alba* galls and insects from the Tennessee and Kentucky localities, but the series are not large enough to allow a decision as to whether there are any differences in material from the two oaks.

Neuroterus irregularis variety *majalis* (Bassett)

Cynips q. majalis Bassett, 1864, Proc. Ent. Soc. Phila., III, p. 683.

Cynips majalis Osten Sacken, 1865, Proc. Ent. Soc. Phila., IV, pp. 340, 344, 349, 353. Packard, 1881, U.S. Ent. Comm. Bull., VII, p. 56. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 200.

Neuroterus majalis Mayr, 1881, Gen. Gallenbew. Cynip., p. 37. Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 303; 1887, Trans. Amer. Ent. Soc., XIV, p. 129. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., pp. 107, 109. Dalla Torre, 1893, Cat. Hymen., II, p. 44. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1910 (except Florida record), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 134, pl. XIII, figs. 4, 5, 6. Beutenmuller in Smith, 1910, Ins. N. J., p. 599. Viereck, 1916, Hymen. Conn., p. 385. Felt, 1918, N.Y. State Mus. Bull., 200, p. 108, figs. 85 (4-6), 104. Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Wells, 1921, Bot. Gaz., LXXI, p. 377, pl. XXII (4). Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 285.

Dolichostrophus majalis Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 129; 1903, Psyche, X, p. 151. Thompson, 1915, Amer. Ins. Galls, p. 14. Felt, 1918, N.Y. State Mus. Bull., 200, p. 90.

Neuroterus (Dolichostrophus) irregularis Beutenmuller in Smith, 1910, Ins. N.J., p. 598. Viereck, 1916, Hymen. Conn., p. 392.

Neuroterus irregularis Beutenmuller, 1910 (in large part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 134, pl. XIII, figs. 2, 3. Thompson, 1915, Amer. Ins. Galls, pl. 3 (172). Felt, 1918, N.Y. State Mus. Bull., 200, fig. 85 (2, 3).

Neuroterus quercus-majalis Dalla Torre and Kieffer, 1910 (in large part), Das Tierreich, XXIV, pp. 335, 820, 826.

Dolichostrophus majalis Thompson, 1915, Amer. Ins. Galls, p. 37.

FEMALE.—Face piceous black, mouthparts piceous yellow; antennæ medium brown, yellow basally; legs light yellow; wing veins light brown, areolet averaging larger; cubital vein rather faint but not discontinuous; length 1.5-2.0 mm.

MALE.—Thorax yellow, entire mesonotum yellowish brown; thorax slender, the scutellum longer than wide; abdomen golden brown.

GALL.—As described for the species; on *Quercus alba* (and *Q. Prinus?*).

RANGE.—Massachusetts: Boston? (Clarke). Connecticut: Waterbury (Bassett); New Haven (Patton in Mus. Comp. Zool.). New York: New York City (Beutenmuller); Albany (Felt in N.Y. State Mus.). New Jersey: Ft. Lee (Beutenmuller). Probably confined to a northeastern portion of the United States.

TYPES.—Females, males, and galls. Holotype female, paratype females, males, and galls at the Philadelphia Academy; paratype insects and galls at The American Museum of Natural History, the Museum of Comparative Zoology, and in the Kinsey collection. From Waterbury, Connecticut; *Q. alba*; Bassett collector.

Bassett described this insect as emerging in June, and museum records give May 31 and June 2. This is considerably later than the dates for more southern varieties. The insect does not differ greatly from *irregularis*. The Thompson ma-

terial, collected from *Q. Prinus*, may prove a distinct host variety upon examination of a larger series. Wells, considering only the plant structures, suggests that this variety has had an evolution along a line very distinct from *irregularis*, but the descriptions of the insects show a very close relation between the two, the differences in galls being probably the results of host differences.

***Neuroterus irregularis* variety *variegatus*, new variety**

FEMALE.—Face almost black, mouthparts dull piceous yellow; antennæ brownish black, very light yellow basally; abdomen more slender, in large part jet black; legs straw yellow; wing veins dark brown; areolet varying from small to large; cubital vein distinct to the basalis; length 1.5-2.0 mm.

MALE.—Thorax yellow; mesonotum rather darker brown anteriorly, yellow posteriorly; thorax slender; scutellum longer than wide; abdomen dark brown.

GALL.—As described for the species; on *Q. stellata* and *Q. alba*.

RANGE.—Oklahoma: Hartshorne. Arkansas: Danville, Wynne. Possibly confined to the more southern area just west of the Mississippi River.

TYPES.—62 females, 46 males, many galls. Holotype male, paratype females, males, and galls at The American Museum of Natural History; paratype adults and galls at the U.S. National Museum, the Philadelphia Academy, the Museum of Comparative Zoology, Stanford University, the California Academy, and in the Kinsey collection. Labelled Hartshorne, Oklahoma; April 29, 1920; *Q. alba*; Kinsey collector.

This variety is very similar to *irregularis* and *majalis*, the insect averaging larger than *irregularis*, and the mesonotum of the male being dark only anteriorly. From *albipleuræ* it is to be distinguished by the blacker, more narrow thorax, and the black terminal portions of the antennæ. I do not find differences between the insects from *Q. alba* at Hartshorne, Oklahoma, and *Q. stellata* at Danville, Arkansas. The two localities are probably in the same faunal area, but one might expect host varieties.

In 1920, insects were emerging at Hartshorne, Oklahoma, on April 29; large larvæ, not yet metamorphosing to adults, were in the galls at Danville, Arkansas, on May 1; but on May 3 at Wynne, Arkansas, the larvæ were still small.

Neuroterus (Dolichostrophus) minutus (Bassett)

bisexual forms

Figures 44-46

FEMALE.—Head brownish piceous, light yellow piceous on the lower part of the face and on the mouthparts; antennæ light brownish yellow, light straw color basally, with 13 segments, the third more than half again as long as the fourth; thorax brownish piceous, about half again as long as wide and high, about naked of hairs; mesonotum and mesopleuræ mostly smooth, only faintly roughened; abdomen brownish piceous, higher than long, not produced, or somewhat produced dorsally, triangulate; legs more or less wholly very light yellow; areolet of moderate size, more or less; radial cell elongate, the first abscissa slightly arcuate; length 1.2-1.7 mm.

MALE.—Almost wholly brownish yellow, browner on the dorsal surfaces; the third segment of the antenna twice as long as the fourth, rather slightly curved; the eyes moderately enlarged; areolet somewhat larger than in the female.

GALL.—An inseparable swelling, varying greatly, depending upon the part of the plant affected; on *Quercus alba*, *Q. bicolor*, and probably related white oaks.

RANGE.—Connecticut to Pennsylvania. Probably thruout eastern North America.

This species is the eastern equivalent of *Neuroterus quercicola*, differing mainly in having a lighter color, the abdomen not produced, and the first abscissa slightly arcuate. The galls of variety *minutus* resemble leaf galls of *quercicola*. *Neuroterus irregularis* is closely related to *minutus*, but the males of the two are very distinct.

The two varieties of *minutus* have what might appear to be radically different galls, but several similar cases of gall polymorphism are recorded in this paper for this genus. The galls of variety *pallidus* are "monothalamous", clustered, seed-like, anther galls; those of *minutus* are irregular, polythalamous, petiole or vein swellings. The diversity is probably the result of the relatively simple gall-producing physiologies of the insects and of the differences of the affected plant tissues. A consideration of gall polymorphism, and of the nature of anther galls, will be found in the introduction to this paper. That one of the varieties should be known only from the leaf galls on *Q. alba*, the other only from the ament galls on *Q. bicolor* may evidence merely our lack of sufficient data. Both galls may be found on both oaks, but if this is not

shown, then an examination of the vernations of the buds in which the insects oviposit may explain the matter. There is little chance of there being any great differences in the physiologies of the two varieties.

Each of the two described varieties is confined, it would appear, to a single species of oak. About 40 varieties should occur on related oaks in the eastern half of North America. The bisexual insect is short-lived, its gall evanescent, and consequently not often collected. An alternate, agamic generation, producing perhaps a stem or leaf swelling, probably exists, but I fail to recognize this form among any of our described species of *Neuroterus*.

Neuroterus minutus variety *minutus* (Bassett)

Cynips minuta Bassett, 1881, Can. Ent., XIII, p. 96. Packard, 1881, U.S. Ent. Comm. Bull., VII, p. 57. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 200.

Neuroterus minutus Mayr, 1881, Gen. Gallenbew. Cynip., p. 37. Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 303; 1887, Trans. Amer. Ent. Soc., XIV, p. 131. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., pp. 107, 109. Dalla Torre, 1893, Cat. Hymen., II, p. 44. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26; 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 127, pl. XII, figs. 3-5. Beutenmuller in Smith, 1910, Ins. N.J., p. 599. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 332, 812. Thompson, 1915, Amer. Ins. Galls, pp. 12, 41. Viereck, 1916, Hymen. Conn., p. 395. Felt, 1918, N.Y. State Mus. Bull., 200, p. 78, figs. 53 (3-5), 70, 71.

Neuroterus minutulus Dalla Torre and Kieffer, 1910 (error, not Giraud, 1859), Das Tierreich, XXIV, p. 826.

FEMALE.—General color lighter brownish piceous; mesonotum very faintly roughened; coxæ wholly light yellow; areolet of moderate size or less; length 1.2-1.5 mm.

MALE.—As described for the species.

GALL.—An elongate, irregularly cylindrical swelling of a petiole or midvein. Polythalamous, with a moderate number of cells. Each gall irregularly cylindrical, elongate, up to 5. mm. in length, sometimes several galls more or less fused; covered with normal tissue and an additional pubescence, pinkish when young, drying brownish. Internally more or less solid, with the larval cells rather closely packed, without distinct cell walls. On petioles and leaf veins, more or less dwarfing and deforming the leaf; on *Quercus alba* (figs. 45, 46).

RANGE.—Connecticut: Waterbury (Bassett). New York, New Jersey, Pennsylvania (Beutenmuller). Probably confined to *Q. alba* in a northeastern part of the United States.

TYPES.—Females, males, and galls. Holotype female, paratype females, males, and galls at the Philadelphia Academy; paratype females, males, and galls at The American Museum of Natural History and the Museum of Comparative Zoology, and in the Beutenmuller (?) and the Kinsey collections. From Waterbury, Connecticut; *Q. alba*; Bassett collector.

Bassett described this gall as appearing as soon as the oak leaves begin to expand, in April or May, and maturing within a few weeks, by the time the leaves are fully expanded. The above descriptions are made from a good-sized series of types.

Neuroterus minutus variety *pallidus* Bassett

Neuroterus pallidus Bassett, 1890, Trans. Amer. Ent. Soc., XVII, p. 88. Dalla Torre, 1893, Cat. Hymen., II, p. 45. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26; 1904, Amer. Mus. Journ., IV, p. 107, fig. 40; Amer. Mus. Guide Leaf., 16, p. 21, fig. 40; 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 129, pl. XII, fig. 7. Beutenmuller in Smith, 1910, Ins. N.J., p. 598. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 331, 822, 827. Thompson, 1915, Amer. Ins. Galls, pp. 21, 41. Viereck, 1916, Hymen. Conn., p. 386. Felt, 1918, N.Y. State Mus. Bull., 200, p. 116, fig. 53 (7). Britton, 1920, Conn. Geol. and Nat. Hist. Surv. Bull., 31, p. 320. Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 289; 1922, Ind. Univ. Studies, 53, p. 102. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 200.

FEMALE.—General color darker brownish piceous; mesonotum finely but distinctly coriaceous; coxæ partly piceous; areolet of moderate size; length 1.2-1.7 mm.

MALE.—As described for the species.

GALL.—A compact cluster of seed-like cells in the aments. Each cell usually monothalamous, egg-shaped, about 2.0 mm. long by 1.2 mm. wide, drying brown in color; thin-walled, entirely hollow, without any other wall of a larval cell. Forming compact clusters 7. by 3. mm.; on the aments of *Quercus bicolor* (fig. 44).

RANGE.—Connecticut: Waterbury (Bassett). New York: New York City (Beutenmuller). New Jersey (Beutenmuller). Probably confined to *Q. bicolor* in a northeastern part of the United States.

TYPES.—A great many females and males, fewer galls. Holotype female at the Philadelphia Academy; paratype females, males, and galls in the Philadelphia Academy, The American Museum of Natural History, the Museum of Comparative Zoology, the Beutenmuller collection (?), and the Kinsey collection. From Waterbury, Connecticut; *Q. bicolor*; Bassett collector.

This gall develops very early in the spring on the young aments, soon emerging in May or early June. My descriptions are made from a very large series of types.

Neuroterus (Dolichostrophus) quercicola Dalla Torre

Figures 51, 55, 57, 60, 63

FEMALE.—Head black, shading to piceous yellow on the mouth-parts; antennæ brown, yellow basally, with 13 segments, the third segment half again as long as the fourth; thorax entirely black, hardly half again as long as wide and high, almost naked of hairs, the mesonotum and mesopleuræ mostly smooth, only very finely roughened; abdomen black, much higher than long, decidedly produced ventrally in bisexual forms, not produced in agamic forms, triangulate; legs yellow, dark brown or brownish black on the coxæ, femora, and hind tibiæ except at the joints; areolet of moderate size or smaller; the terminal portion of the subcosta not as long as in *decipiens*; the first abscissa smoothly angulate, bent near the subcosta; length 1.2-2.0 mm.

MALE.—Eyes moderately enlarged, the thorax and abdomen piceous brown, the pleuræ piceous brown to yellow, the third segment of the antenna more than half again as long as the fourth, moderately curved, the areolet a little larger than in the female.

GALL.—Larval cells, with distinct but inseparable linings, scattered or clustered in various parts of the plant. Acorn galls and some twig galls are single larval cells in the wood of the cup or the stem, without much swelling. Leaf, stem, and flower galls usually produce irregular, polythalamous swellings closely packed with oval larval cells; of much the same color and surface as the part of the plant affected, distorting the tissue irregularly but usually into a rather elongate, cylindrical gall, succulent or papery or woody, permanent or evanescent, as is the nature of the affected plant tissue. Internally irregularly packed with cells, these very dense mostly toward the periphery. On flower stems, distorting the clusters of aments and sometimes involving the young stems, petioles, and leaf blades; or on leaf veins and involving the blade; or affecting woody twigs; on western American white oaks (figs. 51, 55, 57, 60, 63).

RANGE.—San Diego, California, to Puget Sound, Washington, and Manitou, Colorado; probably thruout the western half of North America.

This species is clearly the western equivalent of *Neuroterus minutus* of eastern North America. Beyond its generally darker color, *quercicola* differs from *minutus* in the ventrally produced abdomen and the more angulate first abscissa. These would still leave it a question as to the specific distinctness of the two, but their ranges are clearly defined. Both *quercicola* and *minutus* exhibit remarkable polymorphism of gall structure.

Five of the varieties of this species have been previously described, but without any recognition of the relationships involved; I have only one new variety to contribute; more important is the pointing out of the specific unity of the group.

On circumstantial evidence, I would recognize the alternate generation of variety *pacificus*. This is the first cynipid life history for the Pacific Coast, and one of interest as an advanced step in heterogeny in *Neuroterus*; involving different types of galls on different hosts without varietal segregations. This is described under *pacificus*.

Remarkable polymorphism is shown by the galls of each of the two generations of *pacificus*. Here are further data on the extent to which the plant influences the character of the gall. This is discussed under form *varians*.

About 16 varieties may be found in the several faunal areas of the deciduous and evergreen white oaks of western United States.

Neuroterus quercicola variety *congregatus* Gillette bisexual form

Neuroterus congregatus Gillette, 1893, Ent. News, IV, p. 166. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 50; 1910, Das Tierreich, XXIV, pp. 339, 808. Beutenmüller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 133. Thompson, 1915, Amer. Ins. Galls, pp. 12, 40. Felt, 1918, N.Y. State Mus. Bull., 200, p. 76.

FEMALE.—Probably with the antennæ basally light brownish yellow; the legs dull, light brownish yellow, in part dark brown; the areolet of moderate size; the length about 1.5-2.0 mm.

MALE.—As described for the species; pleuræ wholly piceous brown; the antennæ basally and the legs dull, light brownish yellow, in part suffused with darker brown.

GALL.—Typical for the species; described as a terminal twig swelling, 6-8. mm. in diameter, with larval cells developing within the bud, and covered with a pubescence; or merely larval cells buried in the twig; on *Quercus* (*Gambelii*?).

RANGE.—Colorado: Manitou (Gillette). Probably confined to a limited area of the foothills east of the Continental Divide.

TYPES.—Males and galls in the Gillette collection (?) and the U.S. National Museum. From Manitou, Colorado; May 8-17, 1892; Gillette collector.

Gillette's insects were taken at Manitou, Colorado, emerging from May 8 to 17; they were all males. The host was not named, but it was probably *Quercus Gambelii*, which is

the common oak about Manitou. Not only stems and buds, but also flowers and leaves should be involved in the galls of this bisexual form. Gillette compared his galls to those of *N. vesicula*, but the two are very different. There is no question of the relation of *congregatus* to the Pacific Coast varieties of the species. The male of this variety is the darkest in the species, furnishing another instance of the melanism common at Manitou.

***Neuroterus quercicola* variety *fragilis* Bassett**
bisexual form

Neuroterus fragilis Bassett, 1900, Trans. Amer. Ent. Soc., XXVI, p. 335. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51; 1910, Das Tierreich, XXIV, pp. 330, 813, 838. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 133, pl. XIII, fig. 1. Thompson, 1915, Amer. Ins. Galls, pp. 14, 40. Felt, 1918, N.Y. State Mus. Bull., 200, p. 90, fig. 85 (1). McCracken and Egbert, 1922 (in small part), Stanf. Univ. Pub., III (1), p. 10.

FEMALE and MALE.—From the original description, appear to differ from the other varieties of the species in having the legs very pale yellow and the length 0.7 mm. (acc. Beutenmuller), or 1.2 mm. (acc. Bassett).

GALL.—Typical for the species, rather small, on the midveins, involving the blades; an irregular, polythalamous swelling up to 6 mm. in diameter; on *Quercus dumosa*.

RANGE.—California: San Diego (vicinity) (Bassett); Pasadena, Upland. Probably thruout southern California from Palo Alto and El Portal south, wherever *Q. dumosa* occurs.

TYPES.—Holotype female, paratype females, males, and galls at the Philadelphia Academy; from San Diego, California; D. B. Hamilton collector.

I have not seen insects of this variety, and have depended upon the meager, original description for my note on the adult. I have galls from Pasadena and Upland which agree with the original description and with the figure given by Beutenmuller (1910). The Beutenmuller material, altho not definitely designated, would appear to have come from Bassett. The small galls with small exit holes would favor Beutenmuller's 0.7 mm. instead of Bassett's .05 inches for the length of the insect. My galls, as well as Beutenmuller's, are from *Q. dumosa*; Bassett recorded the host as "a small oak in southern California, probably *Q. virens* or a related species." Weld, in McCracken and Egbert, considered *fragilis* and

pacificus synonyms, and those authors, confusing the two insects, intimate that *Q. Douglasii* and *Q. lobata* are the hosts of *fragilis*. Of course neither *Douglasii* nor *lobata* occur within nearly a hundred miles of the type locality of *fragilis*. *Dumosa* and *Engelmannii* are the only white oaks near San Diego, and since *dumosa* is the only small oak in accord with Bassett's description, this would appear to be the host of this variety. I have never seen the same variety of a cynipid on *Q. lobata* in Central California and on *Q. dumosa* in southern California, and there is hardly a chance that *fragilis* and *pacificus* are not distinct.

***Neuroterus quercicola* variety *pacificus*
bisexual form *pacificus* Beutenmuller**

Neuroterus quercus-batatus Fullaway, 1911 (not Fitch, 1859; not the woody stem gall), Ann. Ent. Soc. Amer., IV, p. 334.

Neuroterus pacificus Beutenmuller, 1918 (not the woody gall), Bull. Brooklyn Ent. Soc., XIII, p. 119. Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 293.

Neuroterus fragilis McCracken and Egbert, 1922 (in large part), Stanf. Univ. Publ., III (1), p. 10.

FEMALE.—Basal segments of the antennæ very light yellow; the thorax and abdomen wrinkling somewhat upon drying, the abdomen relatively thinner, prominently produced ventrally; the legs yellowish, the middles of the femora and the coxæ brownish piceous; the areolet moderately small; the length 1.2-1.7 mm.

MALE.—As described for the species; pleuræ brownish yellow, partly brownish; the legs golden yellow, partly touched with brown.

GALL.—Typical for the species, varying as to its location on leaf veins, petioles, young stems, or flower stems, this location apparently determined by the species of the host, as follows:

Q. Douglasii Gall: Elongate swelling of a leaf vein, involving the blade; up to 25. mm. in length and 10. mm. in diameter, somewhat irregular, protruding largely from the under surface of the leaf, smooth, green, succulent when fresh, drying dark brown, rather hard and papery, without much shrivelling (fig. 60).

Q. lobata Gall: Elongate swelling mainly of the flower stem, beset with dwarfed clusters of stamens; involving the young twig, petioles, and leaf blades to a minor degree; elongate, but very irregular, up to 15. mm. in length by 8. mm. in diameter, greenish or yellow when fresh, drying light yellowish brown and shrivelling considerably upon aging (fig. 63).

RANGE.—California: Cupertino, San José (Fullaway); Stanford University, Sunol (McCracken); Metz (in coll. Univ. Calif.); Mt. Diablo (F. A. Leach coll.); Zelzah, Gilroy (Redwood School), Coalinga (Al-

calde), Three Rivers, Exeter, Paso Robles, San Luis Obispo, Byron, Galt, Redding. Certainly thruout Central California and possibly wherever *Q. Douglasii* and *Q. lobata* occur.

TYPES.—Females, males, and galls, in the Beutenmuller collection (and at Stanford University?). From Cupertino, California; *Q. Douglasii*; Rose Patterson collector. This is the bisexual material Fullaway described as *batatus*.

Fullaway, from material collected by Miss Rose Patterson, gave a good description of this insect which he wrongly took to be *N. batatus*, considering the *Douglasii* leaf gall to constitute the whole bisexual generation and a *lobata* twig gall the whole agamic generation of the species. Dr. McCracken informs me that no data in the Stanford collection would prove the connection of these two galls, but Fullaway evidently saw the similarity of the insects. His published description applies to the bisexual, leaf-inhabiting insects from *Douglasii*, and Dr. McCracken confirms this interpretation. In 1918 Beutenmuller published the name *pacificus* for the Fullaway material; the new name was not accompanied by a description, and Fullaway's idea as to the connection of the two kinds of galls was repeated, with a mistaken record of its occurrence on *Q. Kelloggii*. Meanwhile material of quite a different *Douglasii* leaf gall, *N. decipiens* Kinsey, had gotten into several collections with the label *pacificus*, and was consequently offering an obstacle to the solution of the problem.

I have bred an abundance of insects of this species, from the two kinds of galls, and cannot see any differences between those from *Douglasii* leaves and those from *lobata* flower stems. I admit that there are so few structural characters for use in distinguishing a *Neuroterus* that it would not be impossible that the insects from the two hosts are really distinct varieties, even if not recognizable morphologically. The two very distinct kinds of galls might suggest distinct insect physiologies, but these galls differ only superficially; they are of the same fundamental plan, differing in ways which one might readily believe due to differences in the tissues affected. That the insect does attack different parts of the oaks again suggests distinct physiologic differences, but this may in large part be the result of differences in the unopened buds in which the wasp oviposits. Further, the choice of different hosts suggests the possibility of distinct

varieties, each confined to the single oak; but probably we should not recognize as distinct varieties two insects differing only in choice of host and part of host attacked and (consequently?) different galls produced.

A careful comparison of the female of *pacificus* with the female of the *lobata* twig and acorn galls suggests that the two are alternate generations of one species, for the differences are few and the similarities are many. As we should expect, the galls of the alternate generations differ primarily as regards the parts of the oak affected. Breeding records, of which I have a good many, agree in showing that the twig and acorn gall adults emerge a short time before the leaf and flower stem galls appear, and I have repeatedly found the flower galls in abundance and in close proximity to the twig galls. I have several times found isolated trees which were infested by no other Cynipidæ except these two. This similarity of insects and galls, the complementary dates of development, and especially their coincident occurrence, is only circumstantial evidence for the alternation of these two insects; nevertheless there can be little doubt of this relation. I have all types of the galls from *Q. lobata*, but only the leaf galls with insects and the stem galls without insects from *Q. Douglasii*, and it is possible that not every kind of gall develops on the latter oak. It is possible that the agamic form of the *Douglasii* insects is at times in a leaf or petiole gall similar to that of the bisexual generation.

This life history is noteworthy because, simple as it is, it is the most extreme development we have yet recognized in American species of *Neuroterus*. More extreme cases are known for European species of the genus. The insects of these two generations differ somewhat in color and in the size of the areolet, characters which cannot be as clearly connected with the modes of reproduction as can the size and shape of the abdomen. The rather great differences in the galls of the generations but emphasize the seasonal dimorphic nature of heterogeny. Galls of the bisexual form appear very early in spring, when the leaves are just unfolding from the buds. Mature galls are on *lobata* flowers before the leaves have attained any size at all, but *Douglasii* leaves are well grown and often of mature size by the time the galls are mature. Insects emerge in a very short time, a couple of

weeks more or less, after the buds have unfolded. In 1920 this was March 23 at Three Rivers; larvæ were small but matured soon after collecting on March 3 at Zelzah, March 10 at Gilroy, March 16 at San Luis Obispo, and March 21 at Coalinga. The Stanford records show Fullaway's material to have emerged in April. Of 828 insects of which I have kept records, only 247, or 30 per cent, are males. If the sexes are never more nearly equal in numbers, fertilization may not always occur, and reproduction may be accomplished agamically at times. It is probably only a month or so before the galls of the next generation, *varians*, appear.

Neuroterus quercicola* variety *pacificus

agamie form ***varians*** Kinsey

Neuroterus quercus-batatus Fullaway, 1911 (woody gall only), Ann. Ent. Soc. Amer., IV, p. 334.

Neuroterus pacificus Beutenmuller, 1918 (woody gall only), Bull. Brooklyn Ent. Soc., XIII, p. 119.

Neuroterus varians Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 294, pl. XXIV, figs. 17, 18. McCracken and Egbert, 1922, Stanf. Univ. Publ., III (1), p. 10.

Neuroterus cupulæ Kinsey, 1922, Ind. Univ. Studies, 53, p. 99.

FEMALE.—Differs from the bisexual female of the variety only as follows: Basal segments of the antennæ largely brown with little yellow; thorax not at all shrivelling on drying; abdomen relatively larger, thicker especially dorsally, extending dorsally as far as ventrally, or slightly produced either dorsally or ventrally; legs largely piceous black, the joints and all the tarsi brownish yellow; areolet large to moderate sized; length 1.0-2.0 mm.

GALL.—A slight swelling of the affected part, the larval cells with a distinct but inseparable lining; galls of two types as follows:

Stem Galls: Short, blunt, irregular swellings; up to 35. mm. in length, and 12. mm. in diameter; very rough, covered with bark of normal color, also involving distorted buds, petioles, or leaves; sometimes not producing much of any swelling. Internally filled with closely compacted, oval larval cells, located mostly toward the periphery (figs. 51, 55).

Acorn Galls: Single larval cells buried in the wood of the acorn cup. The cell oval, averaging 1.5 by 2.2 mm.; with moderately thin walls. Buried wholly or in part in the wood of the acorn cup, oftenest at the base; part of the cell sometimes visible within the cup, only rarely producing a slight swelling on the outside (fig. 57).

RANGE.—As given for form *pacificus*.

TYPES.—Of *varians*: Over 200 females and 49 clusters of galls. Holotype female, paratype females, and galls at The American Museum

of Natural History; paratype females and galls at the U.S. National Museum, Stanford University, the Museum of Comparative Zoology, the Philadelphia Academy, the Berlin Museum, the British Museum, and in the Kinsey collection. Labelled Byron, California; March 19, 1920; Kinsey collector.

Of *cupulæ*: 50 females and many infested acorns. Holotype female, paratype females, and galls in The American Museum of Natural History; paratype females and galls at Stanford University, the California Academy, the U.S. National Museum, the Museum of Comparative Zoology, the Philadelphia Academy, and the Kinsey collection. Labelled Paso Robles, California; March 7, 1920; Kinsey collector.

Adults emerged from twig galls at Byron on March 21, 1920, a couple of days after collecting, and from both twig and acorn galls on March 7, 1920, at Paso Robles. The twig galls which Fullaway had, bred adults on February 15 in the laboratory. All of the insects had previously emerged from twig galls I collected on March 3, 1920, at Zelzah, and March 23 at Three Rivers. Emergence, then, occurs early in the spring before the buds have opened, and it is in these closed buds that the insect oviposits to produce the flower stem and leaf vein galls of form *pacificus*.

There can be no question of the identity of *varians* and *cupulæ*. I described these as distinct species primarily because the galls of the two are so very different that the possibility of their identity never was entertained. I never compared the two descriptions, and only a revision of the whole genus, analyses of subgenera, and the writing of comparative descriptions, finally showed me the mistake. This is an indictment of the publication of miscellaneous new species, and justification of the revision of whole groups at a time. *Varians* and *cupulæ* are synonyms, not because the insects largely resemble each other, but because detailed examination of large series of the types of the two fails to disclose a single point of constant, group difference. Insects were emerging from both kinds of galls at the same date from the same trees at Paso Robles in 1920.

Here is one of the most remarkable cases known of one cynipid producing two or more distinct kinds of galls on different parts of the host. Several other cases are pointed out in this paper for the genus, but otherwise few cases of gall polymorphism are known in the Cynipidæ. *Varians* lives either in twigs or acorn cups. In the first instance the galls

are polythalamous swellings packed with larval cells, while in the second instance they are single, scattered larval cells which produce almost no swelling. So does the plant tissue determine the character of the gall! It might be suggested that the two insects, altho alike morphologically, are different physiologically as evidenced by their different points of oviposition, but such matters cannot be investigated with our present means. Meanwhile it appears probable that insects from either type of agamic gall lay eggs for either type of bisexual gall, apparently due to the lack of a peculiar physiology which might restrict oviposition to a single point on the plant.

***Neuroterus quercicola* variety *pubescens*, new variety
agamic form**

FEMALE.—Basal segments of the antennæ light brownish rufous; the legs light brownish yellow; the areolet very small to closed; length 1.5-1.7 mm.

GALL.—As described for the species. A moderate-sized mid-vein or petiole swelling, woody, packed densely with larval cells, covered with a bluish gray, dense, short pubescence; on leaves of *Quercus grisea*.

RANGE.—Arizona: Globe, Safford. Probably confined to the mountain country just south of the Colorado Plateau.

TYPES.—5 females, 11 galls. Holotype female, paratype female, and galls at The American Museum of Natural History; paratype females and galls in the Kinsey collection; paratype galls at the U.S. National Museum, the Museum of Comparative Zoology, and the Philadelphia Academy. Labelled Globe, Arizona; January 20, 1920; *Q. grisea*; Kinsey collector.

This gall is rather distinct from others of the species in its coat of bluish gray pubescence. It is of interest as an agamic generation in a leaf gall; the only other agamic form known inhabits twigs or acorns, but the evergreen leaf of the host of the present variety allows the fall and winter form to survive on the leaf. This form may also occur in twigs with or without producing a gall. The bisexual form probably occurs in a similar gall on the leaf.

***Neuroterus quercicola* variety *quercicola* Dalla Torre
bisexual form**

Neuroterus politus Bassett, 1890, Trans. Amer. Ent. Soc., XVII, p. 89. Thompson, 1915, Amer. Ins. Galls, pp. 13, 41. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 201.

Neuroterus quercicola Dalla Torre, 1892, Wiener Ent. Zeit., XI, p. 131; 1893, Cat. Hymen., II, p. 46. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 51; 1910, Das Tierreich, XXIV, pp. 340, 820, 838. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 133. Felt, 1918, N.Y. State Mus. Bull., 200, p. 81.

FEMALE.—Antennæ basally golden yellow, legs bright yellow, in part yellowish brown; areolet quite small; length 1.5-1.7 mm.

MALE.—As described for the species; pleuræ wholly brownish piceous.

GALL.—Typical for the species; a leaf midvein swelling; on *Q. Gambelii*.

RANGE.—Utah: a southern part (Bassett); Salt Lake City (thru C. T. Dodds). Probably confined to a region in Utah.

TYPES.—Named *Neuroterus politus* Bassett. Holotype male, paratype males (and females) and galls at the Philadelphia Academy. From Southern Utah; *Q. Gambelii* (= *Q. undulata* only of older authors); Siler collector.

This insect most closely resembles variety *congregatus* of more eastern Colorado, but the more golden yellow of the antennæ and legs, and the much smaller areolet will distinguish *quercicola*. The male only was described by Bassett, but he stated that he had a female also, and I have examined both female and male type material. Bassett's name *politus* was preoccupied by *Neuroterus politus* Hartig, 1840, and was changed to *quercicola* by Dalla Torre.

***Neuroterus quercicola* variety *washingtonensis* Beutenmuller bisexual form**

Neuroterus washingtonensis Beutenmuller, 1913, Can. Ent., XLV, p. 280, pl. IX. Felt, 1918, N.Y. Mus. Bull., 200, p. 81.

FEMALE.—Antenna basally golden yellow; the legs golden yellow, in part dark brown; the areolet of moderate size, and the length 1.5-2.0 mm.

MALE.—As described for the species; pleuræ wholly bright, brownish yellow; the legs wholly golden yellow.

GALL.—As described for the species; a rather large vein swelling involving and deforming more or less of the blade; of indefinite shape; green, succulent when fresh, drying brown and rather hard, without much shrivelling; up to 35. mm. in length and 15. mm. in diameter. On leaves of *Quercus garryana*.

RANGE.—Washington: Friday Harbor (Puget Sound) (Weld coll.). Oregon: Ashland, Canby. Probably thruout northern California, Oregon, Washington, and northward, wherever *Q. garryana* occurs.

TYPES.—Hundreds of adults and galls. Holotype in the Beutenmuller collection; paratypes at the U.S. National Museum, the Museum

of Comparative Zoology, the Philadelphia Academy, Stanford University, Cornell University, the British Museum, in the Weld collection, and in the Kinsey collection. From Friday Harbor, Washington; galls July 2, 1911; adults July 30, 1911; *Q. garryana*; L. H. Weld collector.

Weld's galls, collected on July 2, 1911, gave adults July 30. This is considerably later than the March and April emergence of variety *pacificus* further south, and shows the considerable dependence of cynipid development upon the development of the host.

The above descriptions are made from paratypes. The insect differs only slightly from *pacificus*, but has not gone the way of the usual synonymy. The gall is very much like that of *pacificus* on *Q. Douglasii*. It is possible that the aments of *garryana* will show galls of variety *washingtonensis* similar to the ament galls of *pacificus* on *Q. lobata*. The alternate generation of this insect may be either a similar leaf swelling, a woody stem swelling, or a cell in an acorn cup, and I have collected the latter gall at Ashland, Oregon.

Neuroterus (Dolichostrophus) rileyi (Bassett)

Figure 62

FEMALE.—Head black; antennæ with 13 segments, the third almost twice as long as the fourth; thorax entirely piceous black, distinctly narrow and elongate, almost twice as long as high or wide, narrower than the head, minutely hairy; mesonotum and mesopleuræ minutely coriaceous; abdomen piceous, hardly as large as the thorax, somewhat produced ventrally, less produced in the agamic female, angularly rounded, borne on a short but very distinctly elongate petiole; legs in part yellow, in part brown; areolet rather large to small; cubitus meeting the basalis below the midpoint (!); the first abscissa slightly arcuate, not at all angulate; length 1.5-2.0 mm.

MALE.—Whole body mostly brownish yellow, clear yellow on the antennæ, the legs, and the base of the abdomen; eyes moderately enlarged; areolet smaller than in the female.

GALL.—An irregularly continuous stem swelling. Polythalamous. The swelling rather restricted in size, 10. mm. long or less, raised 5.0 mm. or less above the normal stem, asymmetric on the stem, but often many swellings fused to make a more or less continuous mass 80. mm. long and 12. mm. wide, lying all around the stem; covered with normal bark which is sometimes rather loose and wrinkled. Internally compact woody, the larval cells near the surfaces, with a distinct but wholly inseparable lining. On chestnut oaks (fig. 62).

RANGE.—Massachusetts to Colorado; possibly transcontinental.

The five varieties known for this insect occur on four different hosts, in five distinct faunal areas. I have seen galls representing probably an undescribed variety from *Quercus prinoides* in Oklahoma. A total of about 40 varieties may occur in the United States.

Wells (1921) has independently arrived at the conclusion that the gall of this insect is evolutionarily primitive, confirming my opinion for all of the stem-gall species of this genus.

No complete life history is known in this species, but we have what would appear to be supplementary parts of the story from the several varieties. Varieties *rileyi* and *thompsoni* have the insects and galls differing mainly in color, size, host, and distribution, and in the more significant matters of sexual nature and seasonal occurrence. *Rileyi*, with the larger galls and the larger females, is not known from the males, has galls which begin development in late summer, and insects which emerge in April or early May. This is an exact description of any agamic generation of the other *Dolichostrophus* species which have known life histories; while *thompsoni*, with smaller females, with males, and with smaller galls, starts development in May and emerges in early summer, exactly fitting conditions for a bisexual generation in the subgenus. It would appear that the alternate generations of all these varieties may be predicted, with considerable certainty, to have very similar galls and insects, the galls of the bisexual generations being smaller and occurring on the younger twigs, the insects differing very little except in having the agamic female larger. The differences between the described varieties may be accredited in part to the different hosts and distributions, but undoubtedly part of it is an expression of the differences between agamic and bisexual forms. These biologic data have been known for some years, but their connection was not apparent until the varietal relations of *rileyi* and *thompsoni* were seen,—which is an illustration of the value of the variety concept!

This insect is not very closely related to any other species in *Dolichostrophus*. The very elongate thorax, the distinctly petiolate female abdomen, and the origin of the cubitus below the midpoint of the basalis, are characters not found elsewhere in the subgenus, but another subgenus should not now be named for *rileyi*.

Neuroterus rileyi variety **atripleuræ**, new variety
agamic form

FEMALE.—Antennæ basally dull, dark yellow, the thorax laterally wholly black, the abdomen piceous brown, the legs yellow, dark brown on the coxæ, the femora, and the hind tibiæ, except at the joints; the areolet moderately small to very small; the length 1.5-1.7 mm.

GALL.—As described for the species; of medium size, the swelling elevated to 2.5 mm. above the stem. On older twigs of *Quercus Prinus*.

RANGE.—Oklahoma: Pawnee. Probably thruout the oak areas of Oklahoma, Arkansas, western Louisiana, and eastern Texas.

TYPES.—5 females, 3 galls. Holotype female, paratype female, and gall at The American Museum of Natural History; paratype females and galls with the author. Labelled Pawnee, Oklahoma; April 28, 1920; *Q. Prinus*; Kinsey collector.

Live adults were in these galls on April 28, 1920, while some had already emerged at that date. The variety may be distinguished by the small areolet and dark mesopleuræ. This is the agamic generation, and the alternate should be very similar, bisexual, in smaller galls on younger twigs, starting growth in May and emerging in July.

Neuroterus rileyi variety **mutatus**, new variety
agamic form

FEMALE.—Antennæ straw yellow basally; thorax laterally black, with a touch of yellow on the metathorax; abdomen piceous brown with a small touch of yellow basally; legs light yellow including the coxæ, brownish on the centers of all femora and the hind tibiæ; areolet moderately small; length 1.2-1.7 mm.

GALL.—As described for the species, but large, woody, up to 12. mm. in diameter (whole stem); on the stems of *Quercus Muhlenbergii*.

RANGE.—Texas: Hamilton's Pool (Travis Co.). Probably confined to an area in Central Texas.

TYPES.—28 females, 2 males, 1 gall. Holotype female and paratype females at The American Museum of Natural History; paratype females, males, and gall in the Kinsey collection; paratype females at the U.S. National Museum, the Museum of Comparative Zoology, and the Philadelphia Academy. Labelled Hamilton's Pool (Travis Co.), Texas; April 2, 1922; *Q. Muhlenbergii*; Gardner collector; Patterson collection number 180.

The occurrence of this insect on a distinct host in a very well-defined faunal area has clearly favored the development of a distinct variety. The gall is so much larger than in other varieties that it somewhat resembles galls of *N. batatus*.

Dr. Patterson has secured only 3 males out of 94 insects he has bred, and he is convinced that these males are about functionless, the remnants of a more primitive, bisexual condition in this generation which is now agamic. These observations are of great importance in connection with our understanding of the evolution of agamy and heterogeny, and it will be very interesting to have the details of Dr. Patterson's observations published later. This same student has found a similar condition in the agamic generation of *N. contortus*, reported in this paper.

Neuroterus rileyi* variety *rileyi
agamic form

—Riley, 1880, Amer. Ent., III, p. 153, fig. 56.

Cynips q. rileyi Bassett, 1881, Amer. Nat., XV., p. 149.

Neuroterus Rileyi Mayr, 1881, Gen. Gallenbew. Cynip., p. 37. Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 304; 1887, Trans. Amer. Ent. Soc., XIV, p. 132. Dalla Torre, 1893, Cat. Hymen., II, p. 46. Dalla Torre and Kieffer, 1902, Gen. Ins. Hlmen. Cynip., p. 51. Cook, 1905, 29th Rpt. Dpt. Geol. and Nat. Res. Ind., p. 837, fig. 30.

Cynips (Neuroterus) rileyii Packard, 1890, 5th Rpt. U.S. Ent. Comm., p. 114.

Neuroterus rileyi Ashmead in Packard, 1890, 5th Rpt. U. S. Ent. Comm. pp. 107, 110. Cook, 1904, Proc. Iowa Acad. Sci., p. 225. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 120, pl. XI, fig. 11. Thompson, 1915, Amer. Ins. Galls, pp. 7, 41 (in part only). Felt, 1918, N.Y. State Mus. Bull., 200, p. 61, fig. 107 (11). Wells, 1921, Bot. Gaz., LXXI, p. 377, pl. XXII, fig. 5.

Cynips rileyi Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 202.

FEMALE.—Antennæ basally dull, dark yellow; the thorax laterally darker piceous; the abdomen black; the legs brown with yellowish joints; the areolet moderately large, and the length 2.0 mm.

GALL.—As described for the species; large, the swelling elevated above the stem to 3.0 mm. On older twigs of *Quercus prinoides*.

RANGE.—Ohio: North Bend (Riley in Bassett). Indiana: (Cook). Illinois: (Beutenmuller). Missouri: Cadet (Riley in Packard). Iowa: (Cook). Probably confined to a region of the Middle West north of Oklahoma.

TYPES.—Holotype female, paratype females, and galls at the Philadelphia Academy. From North Bend, Ohio; *Quercus prinoides*; J.A.W. collector, thru C. V. Riley.

I have seen a paratype female of this variety. It disagrees with the original description in not being over 2.0 mm. in length. I have examined galls from several localities.

Riley recorded this insect emerging in April and early May, and Cook added that the galls form in late summer, so the insect overwinters in the galls. This is in agreement with the occurrence of other agamic forms in the genus. The alternate generation will be very similar, the insect possibly a little smaller, the galls smaller and on younger twigs, beginning growth in May, with the insects emerging in June or July.

***Neuroterus rileyi* variety *thompsoni* Kinsey**
bisexual form

Neuroterus rileyi Thompson, 1915 (in part), Amer. Ins. Galls, pp. 7, 41, pl. 3, fig. 173.

Neuroterus thompsoni Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, p. 301, pl. XXI, figs. 8, 9.

FEMALE.—Antennæ basally light yellow; the thorax laterally piceous brown; the abdomen piceous brown; the legs brownish yellow, only slightly browner on the femora and the hind tibiæ; the areolet of moderate size or smaller; the length 1.5-1.7 mm.

MALE.—As described for the species.

GALL.—As described for the species; small, the swelling elevated above the stem, raising the bark to 1.0 mm. On younger twigs of *Quercus prinoides*.

RANGE.—Massachusetts.

TYPES.—23 females, 2 males, and 6 galls. Holotype female, paratype females, male, and gall in the Boston Society of Natural History; paratype females, male, and galls in the Kinsey collection; paratype females and gall at The American Museum of Natural History, the U.S. National Museum, and in the W. T. Davis collection; paratype gall at the Philadelphia Academy. Labelled Massachusetts; *Q. prinoides*; Thompson collection number 173.

Thompson stated that these galls form in May. This is a bisexual generation, and adults, if typical for this genus, would develop very quickly, emerging before midsummer. We do not have the emergence date for this material, but it is probably June or early July. The agamic generation would form after mid-summer and emerge early in the following spring, as for variety *rileyi*.

***Neuroterus rileyi* variety *virgens* Gillette**
agamic form

Neuroterus virgens Gillette, 1893, Ent. News, IV, p. 166. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 52; 1910, Das Tier-

reich, XXIV, pp. 333, 801. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 126. Felt, 1918, N.Y. State Mus. Bull., 200, p. 54. Kinsey, 1920, Bull. Amer. Mus. Nat. Hist., XLII, p. 395.

Neuroterus virgeus Thompson, 1915, Amer. Ins. Galls, pp. 5, 41.

FEMALE.—Antennæ basally clear yellow; the thorax laterally piceous brown; the abdomen piceous brown; the legs clear yellow, distinctly brown on the femora and the hind tibiae; the areolet less than a moderate size; the length 1.5-2.0 mm.

GALL.—Probably as described for the species; the types small, with only a slight swelling. On twigs of *Quercus Gambelii*.

RANGE.—Colorado: Manitou (Gillette).

TYPES.—Type females and galls in the U.S. National Museum (and the Gillette collection?). From Manitou, Colorado; May 8 to 13, 1892; Gillette collector.

Gillette's insects were all females, not males as Beutenmuller stated. They were reared between May 8 and 13. The host was not recorded, but was probably *Q. Gambelii*, the common oak of the region. I have not seen material certainly known to be types, but I have seen material from the U.S. National Museum collected by Baker and determined by Baker; Mr. Weld says that these insects agree with the type of *virgens*. The insect certainly belongs to the same species as *rileyi*, as the elongate thorax and the origin of the cubitus below the midpoint of the basalis show. This is the only record of a variety of *rileyi* occurring on other than chestnut oaks, and the only record of the species west of the 100th meridian. This may suggest that the species occurs on white oaks of several groups and that it is transcontinental.

Neuroterus subgenus *Neospathegaster*, new subgenus

Only a single species, confined to eastern North America, is known in this subgenus, and the following descriptions will apply to the subgenus and the species.

TYPE.—*Cynips vesicula* Bassett=*Neuroterus* (*Neospathegaster*) *vesicula* variety *vesicula*.

Neuroterus (*Neospathegaster*) *vesicula* (Bassett)

bisexual forms

Figures 9-11, 15, 16, 21, 47, 48

FEMALE.—Eyes rather large, hardly extending beyond the cheeks; cheeks narrow; malar space of moderate width, with a distinct furrow;

face almost naked of hairs; antennæ brown, lighter basally, with 14 segments, the third not much longer than the fourth; thorax large, robust, almost as wide as high, longer than wide, entirely black; mesonotum wholly or in large part shagreened, usually with shallow but distinct traces of parapsidal grooves and less distinct traces of anterior parallel and lateral lines, naked of hairs; scutellum of moderate width but somewhat elongate, naked of hairs; mesopleuræ wholly, distinctly roughened; abdomen a little larger than the thorax, rounded, only slightly angulate, slightly produced dorsally, the ventral spine short but distinct; tarsal claws only moderately fine, simple; wings not wholly clear but not definitely clouded, short ciliate on the hind margins, hardly ciliate elsewhere; areolet large to small, extending mostly to one side of the apex along the cubitus; radial cell only moderately narrow with the terminal portion of the subcosta quite short; the first abscissa angulate at a rather sharp angle, with a slight but distinct projection; length 1.5-3.0 mm. (figs. 9, 11, 15, 21).

MALE.—Largely agrees in color with the female; eyes considerably enlarged, distinctly protruding beyond the cheeks; antenna with 15 segments, the third distinctly curved, one half again as long as the fourth; parapsidal grooves less evident; areolet larger than in the female; radial area finely closed (figs. 10, 16).

GALL.—A small, thin-shelled, globular bud or bark gall. Monothalamous, up to 3.0 mm. in diameter (bark galls smaller); rather thin-walled, quite globular, the bud galls succulent and shrivelling on drying, the bark galls more solid; almost smooth, but microscopically pebbled; bud galls colored light green and drying light or dark brown, bark galls colored with light buff yellow and brownish red in splotches; internally entirely hollow, without a distinct larval cell. In a terminal or lateral bud, partly covered by normal bud scales, or inserted in the slightly ruptured bark of stems; on white oaks and chestnut oaks (figs. 47, 48).

RANGE.—Massachusetts to Michigan and Texas. Probably thruout the eastern half of North America wherever white oaks occur.

This interesting insect is the only known American species which shows close relationship to the Old World group *Spathegaster*. An examination of the comparative descriptions of the two groups will make their relationships apparent, while emphasizing their distinctions. In such clear-cut characters as the number of antennal segments, the length of the third antennal segment, the toothing of the tarsal claws, the ciliation of the wings, and the closure of the radial cell, the two are entirely different. It is apparent that they have had a common origin in the remote past, and yet have been segregated long enough on distinct continents to allow evolution along diverse lines. The most nearly related American species is *Neuroterus* (*Dolichostrophus*) *irregularis*, this re-

lationship being more apparent in the males than in the females. No other American species is known in the group *Neospathegaster*, and while it is not wholly desirable from the standpoint of convenience to recognize a subgenus for one species, further consideration of relationships leads to the present arrangement.

This species has hitherto been known only from two varieties. The published data have recorded the initial growth of the galls in the fall, with the insect maturing rapidly in the spring and emerging by the time the oak leaves are fully expanded, in April or May in New England. Such data almost thruout Cynipidæ apply to agamic generations, and it is a surprise to find a bisexual generation occurring over the winter. Is it possible that here is an instance where two bisexual generations, living in different galls, with different insects, alternate in a year? Such a simple case may be expected in the family if heterogeny is really only an extreme development of seasonal dimorphism. Or does this species have a bisexual winter generation, alternating with an agamic form which comes in the spring? Such cases are rare and not well established in this family. With our available data, I can have no preference for either theory; the solution probably must come thru experimental breeding of successive generations. Since this is the only species known in the subgenus, and since the subgenus is very distinct in morphologic and physiologic respects, it will be of unusual importance to discover its life-history. Dr. Patterson has discovered a bud gall, *ocularis*, and a bark gall, *cerinus*, which varieties are also bisexual, but he states that these galls are not to be detected until late February or January, the insects emerging in March.

The known varieties of the species occur on oaks of both the white and the chestnut groups, and have been taken over the extremes of the wooded parts of eastern North America, making it likely that a total of over seventy varieties will be found, altho only four described and two or three undescribed varieties have yet been recorded. I have galls but no insects from an undescribed *Q. bicolor* variety from New Jersey. The galls of *vesicula* are not readily found, and only deliberate search is likely to turn up the many undescribed forms. The following references are to undoubtedly undescribed varieties, considering the hosts and localities involved.

- Neuroterus vesicula* Gillette, 1888, 27th Rpt. Agric. Mich., p. 471; 1889, Psyche, V, pp. 188, 221 (Michigan; *Q. bicolor*, *Q. macrocarpa*); 1892, Proc. Iowa Acad. Sci., I (2), p. 114 (Iowa; *Q. macrocarpa*). Dalla Torre and Kieffer, 1910 (Iowa, *Q. bicolor*, *Q. macrocarpa* records), Das Tierreich, XXIV, pp. 329, 808, 827, 832.
- Neuroterus vesiculus* Cook, 1910, Mich. Geol. and Biol. Surv. Publ., I, p. 30. Beutenmuller, 1910, Bull. Amer. Mus. Nat. Hist., XXVIII, p. 131 (*Q. bicolor*; Illinois, Michigan, Iowa records). Felt, 1918, N. Y. State Mus. Bull., 200, p. 75 (*Q. bicolor*, *Q. macrocarpa* records).

Neuroterus vesicula variety *affinis* (Bassett)

- Cynips affinis* Bassett, 1881, Can. Ent., XIII, p. 103. Packard, 1881, U.S. Ent. Comm. Bull., 7, p. 57. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 198.
- Neuroterus affinis* Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 304; 1887, Trans. Amer. Ent. Soc., XIV, p. 131. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., pp. 107, 110. Dalla Torre, 1893, Cat. Hymen., II, p. 537. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 50. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26. Dalla Torre and Kieffer, 1910, Das Tierreich, XXIV, pp. 338, 808. Thompson, 1915, Amer. Ins. Galls, pp. 11, 26, 40. Viereck, 1916, Hymen. Conn., p. 393.
- Neuroterus vesiculus* Beutenmuller, 1910 (in part), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 131, pl. X, figs. 7-9. Felt, 1918 (in part), N.Y. State Mus. Bull., 200, p. 75, fig. 81 (7-9).

FEMALE.—Eyes only moderately large, hardly protruding beyond the cheeks; cheeks only moderately narrow; antennæ wholly brown, hardly lighter basally; thorax slightly narrower than the head, the parapsidal grooves only faintly indicated anywhere; furrow at base of scutellum rather broad and smooth; legs dull, light yellow, the coxæ and femora brownish; areolet quite small; length 1.5-2.0 mm., much smaller than *vesicula*.

MALE.—As described for the species; areolet of moderate size or moderately small.

GALL.—A bud gall, as described for the species. On *Quercus prinoides*.

RANGE.—Connecticut: Waterbury (Bassett). Probably confined to a northeastern area of the United States.

TYPES.—Females and galls. Holotype female at the Philadelphia Academy; paratype females and galls at the Philadelphia Academy, The American Museum of Natural History, the Museum of Comparative Zoölogy, and Stanford University, and in the Beutenmuller (?) and Kinsey collections. From Waterbury, Connecticut; *Q. prinoides*; Bassett collector.

Bassett stated that these galls start growth in the autumn and mature early in the spring, the insects emerging by the

time the leaves begin to expand. The variety is undoubtedly confined to *Quercus prinoides*, a distinct oak which always has a unique cynipid fauna. There are so many well-defined differences between *vesicula* and *affinis* that it would be a great loss to consider the two as synonyms. Beutenmuller in 1910 stated "I can find no differences between the adults and galls of *N. affinis* * * * and *vesiculus*, and they are, as surmised by Bassett, one and the same species." And thereupon he buried *affinis* in synonymy. But Bassett in his original description said "I should have been disposed to consider this species a variety of *C. vesicula*, which, both in gall and in insect, it closely resembles, had not late discoveries shown that dimorphic species often in one generation closely resemble each other and in the next develop characters that fully establish their non-identity." Bassett saw that the two insects are related but distinct, and it is a step backward to ignore such non-identities.

Neuroterus vesicula variety *cerinus*, new variety

FEMALE.—Eyes large, but hardly protruding beyond the cheeks; cheeks quite narrow; antennæ brown, bright yellow basally; thorax rather wider than the head; scutellum rather narrow and rugose, the furrow at the base narrower than in other varieties; legs bright golden yellow, brownish black on the coxæ; areolet of moderate size or smaller; length 2.7 mm.

MALE.—As described for the species; with the antennæ basally as rich brown as apically, the first two segments rufo-brown; the eyes larger than in the female of *cerinus*, but smaller than in the male of *vesicula* or *ocularis*; areolet a little larger than a moderate size.

GALL.—A bark gall, as described for the species. On stems of *Quercus stellata* (and *Q. breviloba*?) (fig. 48).

RANGE.—Texas: Austin (Patterson coll.).

TYPES.—1 female, 4 males, 13 clusters of galls. Holotype male, paratype galls at The American Museum of Natural History; paratype female, males, and galls in the Kinsey collection; paratype galls at the U.S. National Museum, the Museum of Comparative Zoölogy, and the Philadelphia Academy. Labelled Austin, Texas; February 25, 1921, and February 23, 1922; *Q. stellata*; Patterson collection number 61.

Dr. Patterson is to be credited with the discovery and breeding of this interesting insect. He reports this gall as appearing to be several weeks old on February 1, 1923, the adults emerging about the first of March in 1921, and on February 23 in 1922, fully half of the adults having emerged

by February 26, 1922. From these dates, this should be the agamic, winter generation of some variety, as discussed in the introduction to this species, but Dr. Patterson assures me that he has secured 5 females and 6 males from these galls. The male does differ from the female in antennal color more than the amount of secondary sexual differences usual in the species, and at first I doubted the connection of the two, but the rugose scutellum and the narrowed foveal furrow show the relationship. The gall is very similar to galls of the other forms but is unique in its occurrence on the bark of stems and is (consequently?) of different texture and color. This is one of the most interesting of Dr. Patterson's many valuable finds.

Neuroterus vesicula variety *ocularis*, new variety

FEMALE.—Eyes distinctly large, protruding slightly beyond the cheeks; cheeks quite narrow; antennæ brown, brownish yellow basally; thorax considerably wider than the head, the parapsidal grooves finely, faintly indicated; furrow at base of scutellum rather broad and smooth; legs bright golden yellow, brownish black on the coxæ; areolet rather large; length 2.7-3.0 mm.

MALE.—As described for the species; eyes larger than in the male of any other variety; areolet moderately large, broader than in *vesicula*.

GALL.—A bud gall, as described for the species. On *Quercus stellata*.

RANGE.—Texas: Austin (Patterson coll.).

TYPES.—5 females, 8 males, 10 clusters of galls. Holotype female, paratype females, males, and galls at The American Museum of Natural History; paratype females, males and galls in the U.S. National Museum, and the Kinsey collection; paratype males at the Museum of Comparative Zoölogy and the Philadelphia Academy. Labelled Austin, Texas; *Q. stellata*; Patterson collection numbers 34 and 48.

Dr. Patterson was not able to detect this gall before February 25 (1922), after which time he found it growing very rapidly, with the insects emerging from March 6 to March 31. I have no further locality records of the insect, and cannot suggest its range beyond Austin.

Neuroterus vesicula variety *vesicula* (Bassett)

Cynips vesicula Bassett, 1881, Can. Ent., XIII, p. 97. Packard, 1881, U.S. Ent. Comm. Bull., 7, p. 57. Cresson, 1923, Trans. Amer. Ent. Soc., XLVIII, p. 203.

Neuroterus vesicula Mayr, 1881, Gen. Gallenbew. Cynip., p. 37. Bassett, 1882, Amer. Nat., XVI, p. 246. Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 131. Dalla Torre, 1893, Cat. Hymen., II, p. 48. Dalla Torre and Kieffer, 1902, Gen. Ins. Hymen. Cynip., p. 52. Beutenmuller, 1904, Bull. Amer. Mus. Nat. Hist., XX, p. 26. Dalla Torre and Kieffer, 1910 (in part), Das Tierreich, XXIV, pp. 329, 808, 825. Thompson, 1915, Amer. Ins. Galls, p. 41. Viereck, 1916, Hymen. Conn., p. 394.

Neuroterus vesiculus Ashmead, 1885, Trans. Amer. Ent. Soc., XII, pp. 296, 303. Ashmead in Packard, 1890, 5th Rpt. U.S. Ent. Comm., pp. 107, 109. Beutenmuller, 1910 (in part only), Bull. Amer. Mus. Nat. Hist., XXVIII, p. 131, pl. X, figs. 4, 5, 6. Beutenmuller in Smith, 1910 (in part), Ins. N.J., p. 599. Stebbins, 1910, Springfield Mus. Bull., 2, p. 30. Thompson, 1915, Amer. Ins. Galls, p. 11, pl. 2, fig. 160. Felt, 1918 (in part), N.Y. State Mus. Bull., 200, p. 75, fig. 81 (4-6). Kinsey, 1922, Bull. Amer. Mus. Nat. Hist., XLVI, p. 285.

FEMALE.—Eyes distinctly large, protruding slightly beyond the cheeks; cheeks very narrow; antennæ brown, brownish yellow basally; thorax slightly wider than the head, the parapsidal grooves rather clearly cut posteriorly; furrow at base of the scutellum rather broad and smooth; legs bright golden yellow, only the coxæ brownish; areolet quite large; length 1.7-2.5 mm., averaging large.

MALE.—As described for the species; areolet very large, more elongate than in *ocularis*.

GALL.—A bud gall, as described for the species. On *Quercus alba*.

RANGE.—Massachusetts: Springfield (Stebbins); Boston (Clarke). Connecticut: Waterbury (Bassett). New York (Beutenmuller). New Jersey: Lakehurst (in coll. Amer. Mus. Nat. Hist.); Ft. Lee (Beutenmuller in coll. Mus. Comp. Zööl.). Probably confined to a northeastern area of the United States.

TYPES.—Females and galls. Holotype female at the Philadelphia Academy; paratype females and galls at the Philadelphia Academy, The American Museum of Natural History, the Museum of Comparative Zoölogy, and Stanford University, and in the Beutenmuller collection (?) and the Kinsey collection. From Waterbury, Connecticut; *Q. alba*; Bassett collector.

Bassett recorded these galls as partially developed in the fall, maturing rapidly in the spring, and the insect emerging by the time the oak leaves are expanded, usually in April or early May. The Millett Thompson material from Massachusetts (probably from near Worcester) is, as far as I can perceive, in agreement with the Bassett types, but possibly the Springfield, Massachusetts, record applies to another variety. *Vesicula* is probably confined to *Quercus alba*, and the

variety *affinis*, from *Q. prinoides*, is a very distinct insect in spite of Beutenmuller's claim that they are the same.

The trivial name of this insect is a substantive ending in *a*, and should not have the masculine adjective ending of *us*.

Neuroterus subgenus *Neuroterus* Hartig

Neuroterus Hartig, 1840, Germar Zeit. Ent., II, pp. 185, 192.

Ameristus Foerster, 1869, Verh. Ges. Wien, XIX, pp. 330, 333.

Neuroterus Dalla Torre and Kieffer, 1910 (in part), Das Tierreich, XXIV, p. 307.

FEMALE.—Eyes of moderate size or a little larger, not extending beyond the cheeks; cheeks of moderate width; malar space rather narrow, with only a trace of a furrow or entirely without a furrow; face only finely hairy; antennæ with 14 segments, the third usually not much longer than the fourth; thorax of moderate size, a little longer than wide and high; mesonotum smooth or roughened, with slight or no traces of lines or grooves, naked of hairs; scutellum rounded, little longer than wide; mesopleuræ entirely but finely roughened; abdomen of moderate size, larger than the thorax, higher than long, only slightly produced dorsally, roundly angulate; ventral spine almost lacking; legs in large part yellow; tarsal claws very fine, simple; wings clear, ciliate, more or less not ciliate on the anterior margins; areolet rather small, placed symmetrically below the apex; radial cell more or less narrow, the first abscissa angled so near the subcosta as to appear almost straight; length 1.0-2.2 mm.

MALE.—Relatively quite similar to the female, colored very largely the same, the eyes much enlarged, protruding beyond the cheeks; the third segment of the antennæ hardly longer than in the female but distinctly curved and apically swollen; abdomen much smaller, minute.

GALL.—Polythalamous, or simple larval cells (hardly monothalamous), separable or inseparable, without special developments in form or structure; on various young tissues of oaks, in buds, on flowers, leaves, or bark.

RANGE.—Europe and Asia (and northern Africa?).

TYPE.—*Neuroterus politus* Hartig. Designated by Ashmead, 1903, Psyche, X, p. 151.

This subgenus is apparently confined to the Old World where it is known from about eight species. I have been able to examine insects of only four species, *N. cerrifloralis* Müllner, *N. glandiformis* (Giraud), *N. hakonensis* Ashmead, and *N. nawai* Ashmead (the last two from Japan), but from published descriptions it would appear that *N. aggregatus* (Wachtl), *N. minutulus* Giraud, *N. obtectus* Wachtl, *N. saliens* (Kollar), and *N. atamiensis* Ashmead are covered

by my description. I have galls but no insects of several of these latter species. The subgenus is very closely related to the American groups *Diplobius* and *Dolichostrophus*, and in several respects shares characters of each of these, while showing a decidedly independent development. The three subgenera have probably had a common origin, but the geographic isolation of the Old World species has favored a distinct evolution. *Neuroterus* is distinguished from the American groups particularly by the slight development of the malar furrow, the 14 segments in the antennæ, and the larger average size of the insects, and in the male by the enlarged eye, curved third segment, and very small abdomen. The male particularly differs from the males of the American groups. The galls of *Neuroterus* are not as primitive as those of many American species, but more primitive than in the European *Spathegaster*. The two Old World subgenera, *Neuroterus* and *Spathegaster*, are less closely related to each other than each is to an American group.

Agamic and bisexual generations are known for these species, but no species has had the alternate generations connected. Probably the alternation is quite simple, with similar galls in the two generations, which galls may differ primarily in location. The known bisexual generations mature in late spring or early summer, the agamic are to be found in the fall tho usually not maturing until early spring,—quite in agreement with our American species.

The type species of this subgenus is the same as that designated by Foerster for *Ameristus*, so the two names are synonyms. This species, *N. politus* Hartig, was from Germany; it was poorly described, largely using color characters, has no type material in existence, and has not been certainly recognized by recent workers, altho Cameron did think he had it. Nevertheless, the smooth thorax and the size of the insect are in accord with our present group of European species rather than with the number of other European species which belong to *Spathegaster*. Altho our restriction of the term *Neuroterus* cannot be too well founded, it follows European practice and probably can stand as the most convenient usage not in discord with the meager data.

Neuroterus subgenus *Pseudoneuroterus*, new subgenus

Figure 8

FEMALE.—Eyes small; cheeks broad and protruding beyond the eyes; malar space rather narrow, with a shallow, irregular furrow; face rather heavily hairy; antennæ almost uniformly dark brown, with 14 segments, the third hardly longer than the fourth; thorax robust, as high as wide, half again as long as broad; mesonotum in part smooth and naked, in part coriaceous, finely punctate and rather heavily hairy, most so along the shallow but evident traces of the parapsidal grooves, medianly, and along the margins; scutellum rather broad, a little longer than wide; mesopleuræ wholly coriaceous, hairy on the edges; abdomen rather larger than the thorax, moderately angulate, distinctly elongate, well produced dorsally; the ventral spine short but distinct; the tarsal claws of moderate weight, simple; wings quite clear, entirely ciliate tho the front margins are short ciliate; areolet moderately large, extending in large part to one side of the apex along the cubitus; cubitus reaching the basalis below the midpoint; radial cell quite narrow, with the terminal portion of the subcosta considerably prolonged; the first abscissa rather angulate; length 2.2-2.8 mm.

GALL.—A good-sized, woody, stem swelling. Polythalamous, with a good many larval cells. A gradual swelling of the stem, up to 50. mm. in length and 15. mm. in diameter. On *Quercus cerris*.

RANGE.—Europe and adjacent Asia (and northern Africa?).

TYPE.—*Cynips macroptera* Hartig=*Neuroterus* (*Pseudoneuroterus*) *macropterus*.

The only insects which I have seen for this subgenus belong to the type species, and as far as I can judge from the literature no other related species is yet known. I have a good series of *macropterus* from Italy (Trotter det.) and material without designated locality and determined by G. Mayr. Most authors have considered this a *Neuroterus*, altho Mayr did place it in *Dryophanta*. The insect is unique in many respects, particularly the hairy head and thorax and the prolonged terminal portion of the subcosta. The traces of parapsidal grooves, size, and other details relate this species to *Spathegaster*, but the head, eye, and antennal characters, the pubescence, radial cell, and simple tarsal claws separate *macropterus* as distinct from other European species.

The insect of this species is said to emerge from October to December, which is several months premature for an agamic generation. Dalla Torre and Kieffer add that emergence may be delayed one or two years. The alternate generation has not yet been connected with *macropterus*.

Neuroterus subgenus *Spathegaster* Hartig

Spathegaster Hartig, 1840, Germar Zeit. Ent., II, pp. 186, 194.

Neuroterus Dalla Torre and Kieffer, 1910 (in part), Das Tierreich, XXIV, p. 307.

FEMALE.—Eyes rather large, extending more or less beyond the cheeks; cheeks narrow; malar space of moderate width, with a very shallow furrow; face scatteringly hairy; antennæ brown, lighter basally, with 15 (only occasionally 14) segments, the third almost half again as long as the fourth; thorax large, narrow and elongate, higher than wide, longer than high, wholly or in part black; mesonotum in part smooth but in part coriaceous and rougher, hairy laterally, with shallow but evident traces of parapsidal grooves; scutellum very narrow, very elongate, peculiarly rectangular in outline, hairy laterally; mesopleuræ in part smooth, in part finely and irregularly roughened, very rough dorsally; abdomen hardly larger than the thorax, angulate, sharply tapering anteriorly, the ventral spine rather short but distinct; tarsal claws only moderately fine, distinctly toothed; wings clouded light brownish about both cross-veins and over part of the cubital cell, entirely ciliate, the front margins only short ciliate; areolet of moderate size to small and closed, extending in large part to one side of the apex along the cubitus; cubitus reaching the basalis at the midpoint; radial cell only moderately narrow, with the terminal portion of the subcosta quite short; the first abscissa somewhat arcuate rather than angulate; length, 1.6-3.0 mm.

MALE.—Largely agrees in color with the female; eyes considerably enlarged, distinctly protruding beyond the cheeks; antennæ with 15 segments, the third hardly curved, no longer than in the female; parapsidal grooves more evident; areolet about as large as in the female; radial area open.

GALL.—Monothalamous, more or less separable, generally circular and flattened, sometimes very definitely formed; a leaf gall.

RANGE.—Europe, adjacent Asia, and northern Africa.

TYPE.—*Neuroterus petioliventrīs* Hartig. Monobasic. This came from Germany (Berlin or Halle), but was so poorly described that it has not been further recognized by any later student. Its size is typical of our present group, and the term *Spathegaster* has been regularly used by European workers for just the species included below. Probably no sounder interpretation of the type can be made in the future, and even tho not too well founded, our present restriction may cause the least confusion.

I have examined material of the following species and find they belong to this subgenus.

Neuroterus fumipennis

agamic form *fumipennis* Hartig

bisexual form *tricolor* Hartig

*Neuroterus baccarum*bisexual form *baccarum* Linnæusagamic form *lenticularis* Olivier*Neuroterus numismalis*agamic form *numismalis* Olivierbisexual form *vesicatrix* Schlechtendal*Neuroterus læviusculus*agamic form *læviusculus* Schenckbisexual form *albipes* Schenck

Some other European species may belong here, but where I lack sufficient material, I prefer to withhold opinions as to generic assignments. At least the first three of my list should be considered varieties of one species, *baccarum*, if the scheme I employ for American Cynipidæ is to be extended. This interpretation will help explain, particularly to European entomologists, what I am considering as varieties.

The subgenus is probably restricted to the Old World, its only near American relative being *Neuroterus* (*Neospathogaster*) *vesicula*, and the differences between these two groups are many.

Life histories are known for all of the insects listed here. In every case the agamic generation is a fall and winter development, the insect emerging early in the spring; while the bisexual generation matures rapidly in the spring, emerging in late spring or early summer. The insects of the two generations do not differ greatly, except in regard to their methods of reproduction, the shape and size of the abdomen, and the development of the ovipositor. The morphologic differences are readily ascribable to the differences in modes of reproduction and places of oviposition. In practically all Cynipidæ the agamic eggs are larger and the abdomen of the agamic female larger than in the bisexual female. The galls of the two generations are very similar, differing however in details of form, indicating some degree of more specialized heterogeny than is known for any American cynipid. But in fundamental nature, the heterogeny of *Spathogaster* is primitive, and entirely understandable as an extreme development of seasonal dimorphism.

In general European workers placed the bisexual forms more often in *Spathogaster* and the agamic forms in

Neuroterus, before Adler discovered the relations of the two. It is hard to understand how the generational differences in these instances could ever have been considered of generic rank, and it is not a fair account of *Neuroterus* heterogeneity which is described as alternation between two genera. The following translations of Adler's work are so well known that they need criticism in this place. Following his account of the alternating forms of the four insects listed above, he says (translating) :

The forms of *Neuroterus* and *Spathegaster*, which I have just described, have heretofore been considered different genera, altho they are only two generations of the same insect. One was indeed quite warranted in such a treatment, since there are well marked differences between the two generations. A comparison of the galls will show that they cannot be confused, for the differences between the galls of the two generations of the same insect are rather greater than between two different species, such as *lenticularis* and *numismatis*.

Right here it should be noted that Adler was not comparing distinct species, but varieties of one species, as I have already suggested. A fair statement would be that the differences between the galls of the varieties of a species are not as great as between the galls of some alternate generations. This amounts to something less than Adler's generally accepted interpretation. It is a very common thing to find slight variation in the galls of varieties of a single species, but a rare thing (except among very primitive Cynipidæ) to find similar galls in different species. The alternating galls of *Spathegaster* forms do differ in details of form, but not in fundamental plan or location. Translating further:

We shall consider further on the importance of the sexual distinctions of the insects, bisexual in one generation, agamic in the other; parthenogenetic reproduction, of constant occurrence in *Neuroterus*, is now so well established that one does not need additional proofs.

If one compares the wasps of the two generations of the species described herein, they exhibit, externally, for the most part only very slight differences. The differences of coloration are insignificant and are restricted largely to slight variations in the colors of the legs; the sizes are not greatly different; the forms and sculptures of the insects are in general uniform. Nevertheless it is not very difficult to distinguish the two generations. If the two forms are placed side by side they cannot be confused. Indeed, the structures are quite different. *Neuroterus* is more compressed, the abdomen more especially developed, the wings generally shorter than and the antennæ about two-thirds the length of

the body. *Spathegaster*, on the contrary, is more slender, the wings larger and more elongate, always extending a bit beyond the body; the antennæ are less than two-thirds the length of the body; and finally, the abdomen is less developed. The shape and size of the abdomen depend largely on the form and the size of the ovipositor. Even when the ovipositor is very long, as with *Neuroterus læviusculus*, it is, while at rest, withdrawn into the abdomen where it is wrapped into a spiral. The amount of space demanded by this ovipositor necessitates a considerable development of the abdomen.

All of which merely emphasizes that the differences depend upon the different modes of reproduction. Even such characters as the relative lengths of antennæ or wings and abdomen are dependent upon the development of the abdomen. Good taxonomic characters are not really very abundant between these alternate generations, and Adler admitted this. The characters of the ovipositor, however, are of considerable interest, and certainly should be studied in our American species. But these ovipositor characters could never have been sufficient grounds for maintaining two genera, and it is hardly warranted to state that apparent genera are alternate generations.

For the corresponding generation, *Spathegaster*, the ovipositor is entirely different. Small and delicate, it does not take up much room in the abdominal cavity, which results in an entirely differently formed abdomen. The differences in ovipositors are constant, altho in other respects the two generations may resemble each other considerably. Thus, *fumipennis* and *tricolor* are, in respect to form and color, so similar that they might be confounded in a superficial examination. But if one further considers the general structure, the form of the abdomen, the lengths and the form of the wings, and particularly the ovipositor, the differences between the two generations are well marked. * * * * Therefore [because of the differences in ovipositors] the contours are very different in the two insects. The manner in which *Spathegaster* pricks the leaves demands great mobility in the abdomen, so we find it nicely petiolate; in the *Neuroterus*, on the contrary, it is almost sessile. Then, the *Spathegaster* searches for leaves of a particular sort, very tender, as a suitable spot for the eggs; it is therefore requisite that it be able to fly easily; so we find it equipped with longer and larger wings than the *Neuroterus*, which, for its part, does not particularly need the ability to fly, for the buds for its oviposition are never lacking.

Since one may, so to speak, reconstruct a cynipid when one knows its ovipositor, it is understandable that it may furnish the definitive characters between diverse species. When two correspondent generations have different modes of living, it is desirable, above all things, that the ovipositor be modified and be of the form suitable for oviposition.

* * * * * The ovipositor of *Neuroterus* has a bent tip and cannot

in consequence ever be forced perpendicularly into the bud; that of *Spathegaster*, with an almost straight tip, may operate perpendicularly to the surface of the leaf. The differences in the valves is also remarkable. In the *Neuroterus*, these are almost circular, and because of the strong curvature there is no room for the ordinarily robust muscles of the anterior valves; they are quite rudimentary. The second muscle across the arc is entirely lacking.

The most extensive work which has been published on cynipid cytology was done by Doncaster (reported chiefly in 1910, Proc. Roy. Soc., B, LXXXII, pp. 88-112; 1911, Proc. Roy. Soc., B, LXXXIII, pp. 476-488; 1916, Proc. Roy. Soc., B, LXXXIX, pp. 183-200) working with *Neuroterus baccarum* of this subgenus. Other workers have published some data on the cytology of some other cynipid species, but the small amounts of material on which the observations were based, the generally obscure nature of the preparations used, the lack of accord in results, with the great possibility of parasite or inquiline material not being distinguished from the true gall-making larvæ, leave room for much further work. It is highly desirable that we have comparative studies of the cytology of numbers of our American species, to make comparisons with Doncaster's findings with this exclusively Old World subgenus *Spathegaster*. In brief, Doncaster found that the agamic females of *baccarum* are of two sorts, producing either male or female eggs, with only one or two per cent exceptions. He reasoned that this was not due to a dimorphism in the sperm of one male, but rather to two distinct types of maturation processes in the eggs of different females, the eggs laid by some agamic females having a reduction division with a consequent haploid condition; while the eggs of some other females may not undergo a reduction division, leaving the diploid number. He suggests that the egg with the haploid number develops into a male, and that with the diploid number into a female. But he concludes with the warning that "the results obtained do not make these differences so certain as to justify any confident conclusion." Doncaster took 20 to be the diploid number of the chromosomes of *baccarum*. On indirect and negative evidence he concluded that unfertilized females of the bisexual generation were incapable of producing fertile eggs.

UNRECOGNIZABLE OR WRONGLY ASSIGNED SPECIES

Cynips q. Catesbæi Ashmead, 1881, Proc. Ent. Sect. Phila. Acad., p. XV. Placed in *Neuroterus* by Cresson, 1887, Trans. Amer. Ent. Soc., suppl. p. 179, and maintained in the genus by some later authors, but placed in *Andricus* by others. Certainly not a *Neuroterus*.

Cynips q. confusa Ashmead, 1881, Proc. Ent. Sect. Phila. Acad., p. XVIII. Placed in *Neuroterus* by Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. 296. Very different from a *Neuroterus*; placed in *Dryophanta* by Ashmead and later authors.

Cynips q. conifera Ashmead, 1881, Proc. Ent. Sect. Phila. Acad., p. XXVII. Placed in *Neuroterus* by Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. 296. Very different from a *Neuroterus*, and placed in *Andricus* by Ashmead and later authors.

Cynips corrugis Bassett, 1881, Can. Ent., XIII, p. 109. Placed in *Neuroterus* by Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. 296, and placed by other authors variously in *Dryophanta* (= *Diplolepis*), *Holcaspis*, *Callirhytis*, and *Bassettia*. Recently placed in *Callirhytis* by Weld. I have seen types, but will not go further now than to say it is not a *Neuroterus*.

Cynips (Neuroterus) crassitelus Provancher, 1881, Nat. Can., XII, p. 232. Named a *Neuroterus* by Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. 296, and maintained in that genus by later authors. From Canada, without host or gall record. The "sutures of the lobes distinct", the very large second segment, and the length of 2.75 mm. are not in accord with this genus. The type, according to Gahan and Rohwer (1918, Can. Ent., L, p. 104), is in the second collection of the Public Museum of Quebec, with a white label "Cap Rouge, Canada", and a yellow label 934, and is in bad condition. It is to be hoped that no student of Cynipidæ will burden our nomenclatorial problems by attempting to identify this type.

Neuroterus favosus Bassett, 1890, Trans. Amer. Ent. Soc., XVII, p. 87. Ohio, *Q. velutina*. Maintained in this genus by later authors, but omitted from Beutenmuller's 1910 monograph. I have examined types; they clearly belong to *Plagiotrichus*.

Neuroterus flavipes Gillette, 1889, Iowa Agric. Exp. Sta. Bull., 7, p. 281. Maintained in this genus by all other authors. I have seen a paratype insect and a gall, loaned me by the U. S. National Museum, and the species shows no close relationships to *Neuroterus*. The rugulose thorax, the presence of parapsidal grooves and anterior parallel and lateral lines, the two indistinct foveæ at the base of the scutellum, and the very build of the whole insect certainly rule it out of *Neuroterus*. Beutenmuller, 1910, expressed an opinion that the species does not belong to this genus.

Neuroterus laurifoliæ Ashmead, 1887 (insect only), Trans. Amer. Ent. Soc., XIV, pp. 128, 140. Ashmead's material was described from a loosely wool-covered gall on leaves of *Quercus phellos*. This gall is a

very common object thruout a large portion of the more southern United States, and the insect it produces is not a *Neuroterus*. I have quantities of the material I collected at several localities; Dr. Felt has sent me insects from the typical galls in Louisiana; Mr. Weld has pronounced the insects bred from his Georgia and Missouri material as not belonging to *Neuroterus*, but he tells me that similar galls collected by Letterman, on *Q. imbricaria*, at St. Louis, Missouri, in 1874, were determined as *N. laurifoliae* by Ashmead. Mr. Welt reports on the type material as follows: the galls fit the Ashmead description and are on *Q. phellos*; the type insect is gone from the pin bearing the type label and U. S. National Museum number, but there is one wasp from Jacksonville, Florida, determined as *laurifoliae* by Ashmead. Mr. Weld pronounces this a female *Neuroterus* (and Ashmead's description of the insect does appear to belong to *Neuroterus*), and another pin (No. 4422) bears a male *Neuroterus* but without a determination, and of course Ashmead did not describe the male.

It is entirely evident that Ashmead confused a *Neuroterus* with galls which are produced by an entirely distinct species. This is one more of the many times Ashmead wrongly connected insects and galls. The *Neuroterus* which he had did not come from the woolly gall, and with the type specimen gone, the original description quite inadequate, and nothing but the single authenticated Ashmead determination of the insect available, the name should drop from further consideration in this genus.

Neuroterus longipennis Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, pp. 132, 140. I have examined paratype insects and galls, and the species is not a *Neuroterus*. I do not now recognize the genus. The insects are males; Ashmead described the female, but the description fits the types, his "abdomen very small" fits a male instead of a female, and I am inclined to believe that he had only males. He stated that the thorax was "without parapsidal grooves, although in certain lights there are opaque lines"; but with good illumination complete, fine parapsidal grooves are to be clearly seen. These, the rugose scutellum, the presence of a distinct line separating the scutellum from the mesonotum (the absence of this line is one of the best characters for *Neuroterus*), and the indistinct division of the furrow at the base of the scutellum into two foveae,—clearly rule this species out of *Neuroterus*. Its occurrence on a black oak is contrary to the rule in *Neuroterus*.

Cynips Pattoni Bassett, 1881, Can. Ent., XIII, p. 98. Placed in *Neuroterus* by Ashmead in Packard, 1890, 5th Rpt. U. S. Ent. Comm., p. 110, but considered an *Andricus* by most authors. I have examined types, and they are not related to *Neuroterus*.

Cynips q. phellos Osten Sacken, 1861, Proc. Ent. Soc., Phila., I, p. 70. Placed in *Neuroterus* by Ashmead, 1887, Trans. Amer. Ent. Soc., XIV, p. 132. The parapsidal grooves and peculiar wing venation separate this from *Neuroterus*. Placed in *Andricus* by Felt, 1918, N. Y. State Mus. Bull., 200, p. 61.

Cynips pigra Bassett, 1881, Can. Ent., XIII, p. 105. Put in *Neuroterus* by Ashmead, 1885, Trans. Amer. Ent. Soc., XII, p. 296. Placed in *Andricus* by later authors. I have examined types; there is no possibility of the species belonging to *Neuroterus*.

Neuroterus terminalis. Gahan and Rohwer, 1918, Can. Ent., L, p. 104, credit Provancher with this name, but I do not know that Provancher described the insect. The type, in the second collection of the Public Museum at Quebec, has the white label 114, white label 72 (s), and yellow label 1593. Evidently only a manuscript name, without standing nomenclatorially.

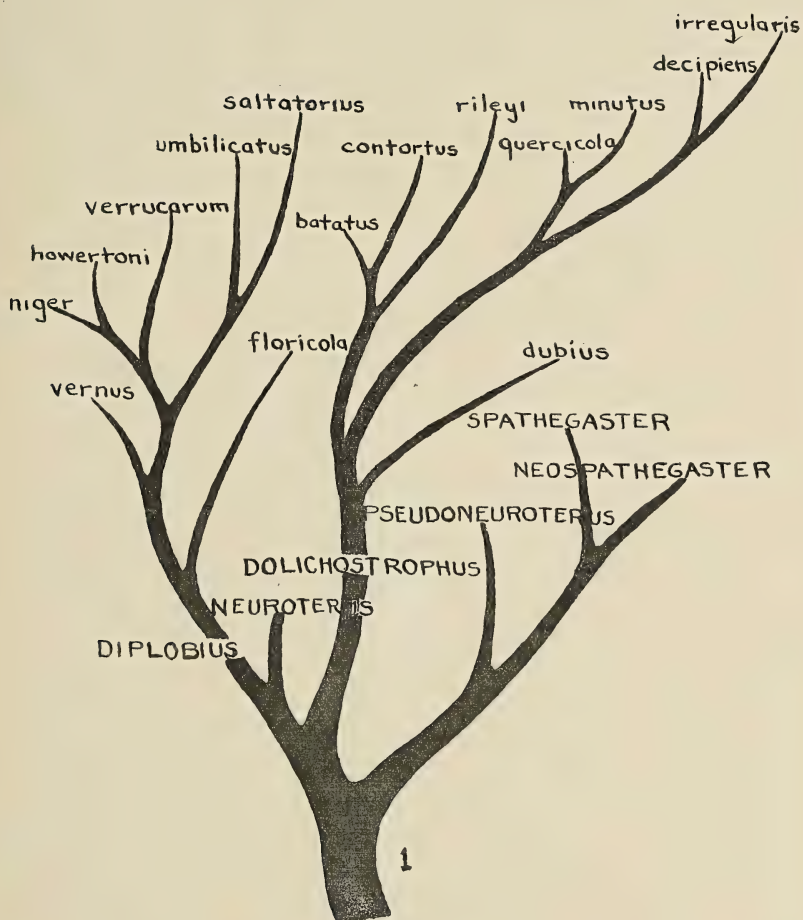


FIGURE 1

Phylogeny of *Neuroterus* subgenera, with American species.



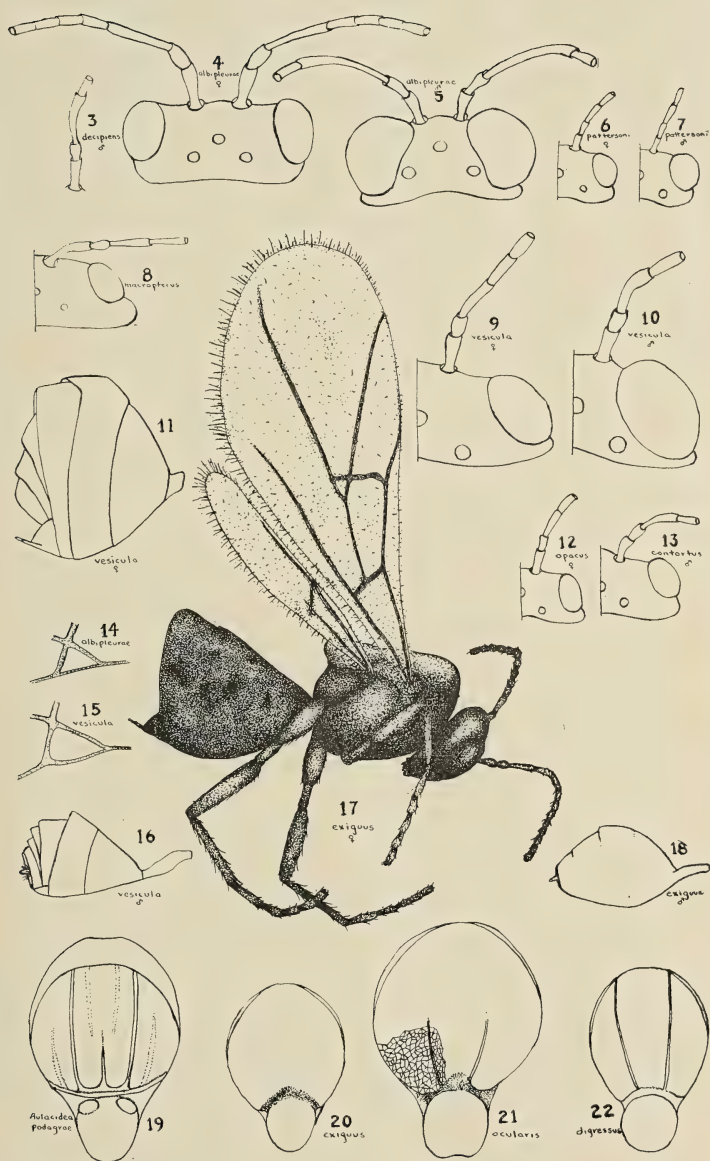
"FLEA SEED."

FIGURE 2

Neuroterus saltatorius saltatorius. Figures with the original publication, Edwards, 1874, Pacific Rural Press, February 14, p. 97. Photograph obtained by Frank A. Leach.

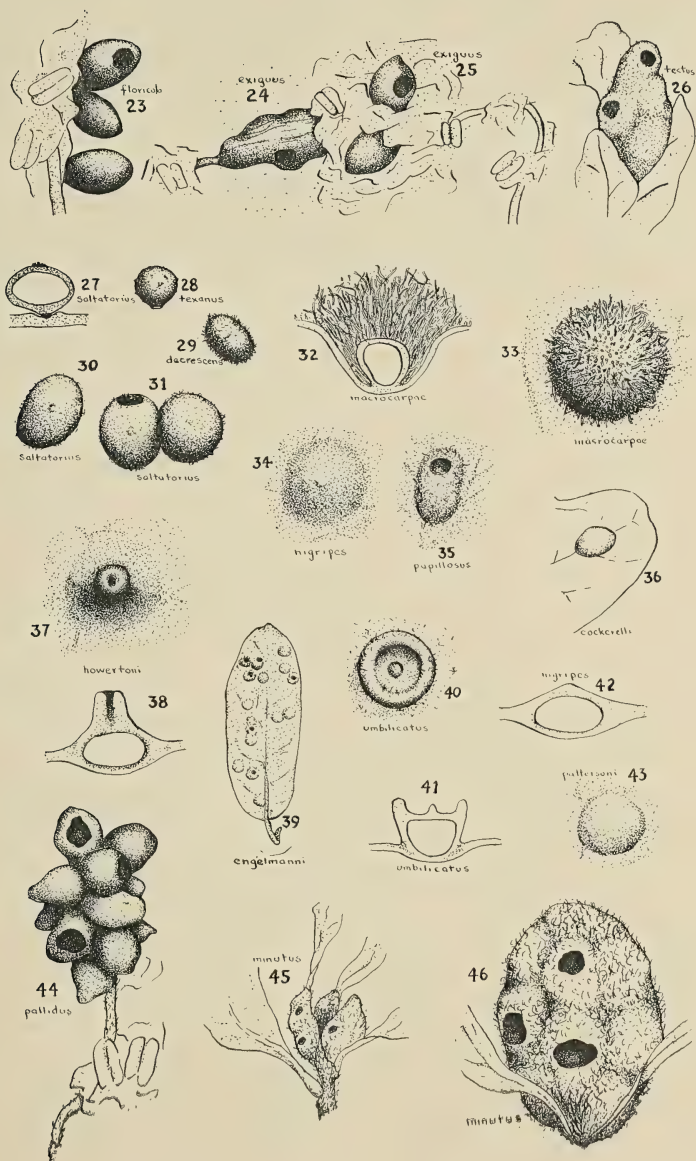
FIGURES 3 TO 22

3. *N. decipiens*. Male antenna.
- 4, 5. *N. irregularis albipleuræ*. Female and male heads; extreme in *Dolichostrophus*; typical of the whole species.
- 6, 7. *N. niger pattersoni*. Female and male heads; typical of *Diplobius*.
8. *N. macropterus*. Female head, showing characters of *Pseudoneuroterus*.
- 9, 10. *N. vesicula vesicula*. Female and male heads; typical of the species.
11. *N. vesicula vesicula*. Female abdomen; typical of the species.
12. *N. verrucarum opacus*. Female head, typical of *Diplobius*.
13. *N. contortus contortus*. Male head.
14. *N. irregularis albipleuræ*. Areolet; typical of the subgenera *Neuroterus*, *Diplobius*, and *Dolichostrophus*.
15. *N. vesicula vesicula*. Areolet; typical of the subgenera *Spathegaster*, *Neospathegaster*, and *Pseudoneuroterus*.
16. *N. vesicula vesicula*. Male abdomen; typical of the species.
17. *N. vernus exiguus*. Female; typical of the subgenus *Diplobius*, and of the genus *Neuroterus* in general.
18. *N. vernus exiguus*. Male abdomen; typical of *Diplobius*.
19. *Aulacidea podagræ* (Bassett). Female thorax, showing pronotum, foveæ at base of scutellum, suture between scutellum and mesonotum, median groove, and anterior parallel and lateral lines, *not* found in *Neuroterus*.
20. *N. vernus exiguus*. Thorax, dorsal view; typical of most of the genus.
21. *N. vesicula ocularis*. Thorax, dorsal view; typical of the species.
22. *N. dubius digressus*. Thorax, dorsal view; extreme for the genus.



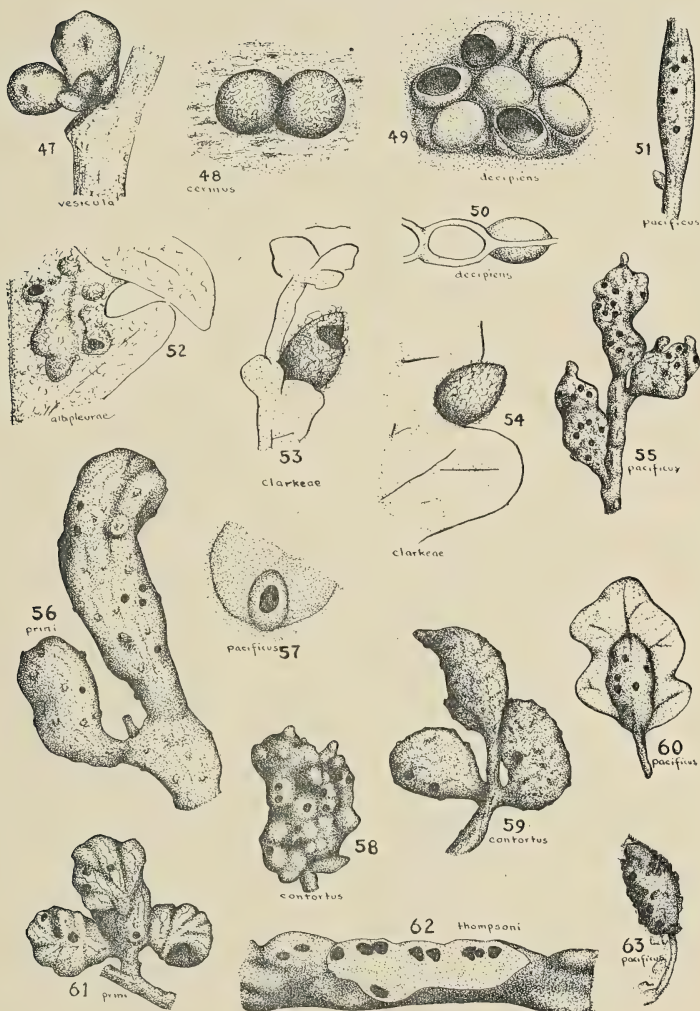
FIGURES 23 TO 46

23. *N. floricola*. Anther galls.
- 24, 25. *N. vernus exiguus*. Ament stem and anther capsule galls, showing gall dimorphism; see also figure 26.
26. *N. vernus tectus*. Gall in young leaf bud; typical of the species.
27. *N. saltatorius*. Gall, cross section.
28. *N. saltatorius texanus*. Gall.
29. *N. saltatorius decrescens*. Gall.
- 30, 31. *N. saltatorius saltatorius*. Galls, top views.
32. *N. verrucarum macrocarpæ*. Gall; cross section.
33. *N. verrucarum macrocarpæ*. Gall; typical of the species.
34. *N. niger nigripes*. Gall; with figures 35 and 43 shows differences in varieties of the species.
35. *N. niger papillosus*. Gall.
36. *N. cockerelli*. Gall; taken from Beutenmuller's original figure.
37. *N. howertoni*. Gall.
38. *N. howertoni*. Gall; cross section.
39. *N. niger engelmanni*. Galls; habit.
40. *N. umbilicatus*. Gall.
41. *N. umbilicatus*. Gall, cross section.
42. *N. niger nigripes*. Gall, cross section.
43. *N. niger pattersoni*. Gall.
44. *N. minutus pallidus*. Anther galls; with figure 45 shows gall dimorphism.
- 45, 46. *N. minutus minutus*. Petiole galls.



FIGURES 47 TO 63

47. *N. vesicula vesicula*. Bud galls, typical of bud galls of the species.
48. *N. vesicula cerinus*. Bark galls.
49. *N. decipiens*. Leaf blade galls.
50. *N. decipiens*. Gall; cross section.
51. *N. quercicola pacificus*. Gall of agamic form *varians*, on stem, with little hypertrophy; with figures 55, 57, 60, and 63 shows gall polymorphism.
52. *N. irregularis albipleuræ*. Gall.
53. *N. dubius clarkeæ*. Anther gall; with figure 54 shows gall dimorphism.
54. *N. dubius clarkeæ*. Leaf gall; taken from Beutenmuller's original description and figure.
55. *N. quercicola pacificus*. Gall of agamic form *varians*; on stem, with considerable hypertrophy. See also figures 51, 57, 60, and 63.
56. *N. batatus prini*. Gall of agamic form *deprini*.
57. *N. quercicola pacificus*. Gall (larval cell) of agamic form *varians* in wood at base of acorn cup; on *Q. lobata*. See also figures 51, 55, 60, and 63.
58. *N. contortus*. Gall of bisexual form *principalis*.
59. *N. contortus*. Gall of agamic form *contortus*.
60. *N. quercicola pacificus*. Gall of bisexual form *pacificus*; leaf gall on *Q. Douglasii*. See also figures 51, 55, 57, and 63.
61. *N. batatus prini*. Gall of bisexual form *prini*.
62. *N. rileyi thompsoni*. Galls on stem.
63. *N. quercicola pacificus*. Gall of bisexual form *pacificus* on ament stems of *Q. lobata*. See also figures 51, 55, 57, and 60.



INDEX

Synonyms are in *italics*, and the page of detailed description in bold; new names are marked by an asterisk (*).

- abundans 66
- affinis 35, 124
- aggregatus 128
- albipes 132
- *albipleuræ 34, 99; figs. 4, 5, 14, 52
- *alimas 30, 42
- Ameristus* 128
- Arizona fauna 43, 52, 114
- *arizonicæ 30, 43
- Arkansas fauna 102
- atamiensis 128
- *atripleuræ 32, 118
- *australis 31, 51
- baccarum 132, 135
- bassettii 29, 60
- batatus 33, 80, 83, 109, 112; figs. 56, 61
- bisexualis 84
- California fauna 39, 43, 53, 93, 96, 108, 109
- catesbæi 136
- *cerinus 35, 125; fig. 48
- cerifloralis 128
- clarkeæ 32, 95; figs. 53, 54
- Classification 6
- cockerelli 38; fig. 36
- Colorado fauna 38, 107, 121
- confusa 136
- *congregatus 34, 107
- conifera 136
- Connecticut fauna 57, 61, 63, 66, 70, 74, 84, 86
- 97, 101, 104, 105, 124, 127
- consimilis* 85
- contortus 33, 89; figs. 13, 58, 59
- corrugis 136
- crassitelus 136
- cupulæ* 112
- Cynips 25
- decipiens 34, 92; figs. 3, 49, 50
- *decrescens 31, 52; fig. 29
- *deprini 89; fig. 56
- *digressus 32, 96; fig. 22
- *Diplobius 27, 28, 35
- distortus 29, 61
- Distribution, geographic 16
- D.C. fauna 78, 100
- Dolichostrophus 25, 28, 78
- dubius 32, 94, 96; figs. 22, 53, 54
- engelmanni 31, 43; fig. 39
- exiguissimus 29, 69
- exiguus 29, 62; figs. 17, 18, 20, 24, 25
- evanescens 29, 62
- favosus 136
- flavipes 136
- floccosus 29, 63, 69, 70, 74
- floricola 28, 38; fig. 23
- Florida fauna 73, 77
- fragilis 34, 108, 109
- fumipennis 131
- Georgia fauna 77
- gillettei* 63
- glandiformis 128
- *griseæ 31, 44
- hakonensis 128
- *hiemalis 47
- Hosts (See *Quercus*) 13
- howertoni 30, 39; figs. 37, 38
- Illinois fauna 45, 67, 71
- *infiens 30, 71
- Iowa fauna 45, 67, 119
- irregularis 34, 35, 97, 99, 101; figs. 4, 5, 14, 52
- Kentucky fauna 100
- læviusculus 132
- laurifoliæ 136
- Life histories 18, 37, 79, 123, 132
- longipennis 137
- *macrocarpæ 30, 72; fig. 33
- macropterus 130; fig. 8
- majalis 35, 98, 100
- Massachusetts fauna 57, 60, 66, 70, 74
- 84, 86, 101, 120, 127
- Michigan fauna 45
- minutissimus 30, 72
- minutulus 104, 128
- minutus 34, 103, 104; figs. 44-46
- Mississippi fauna 57
- Missouri fauna 119
- *mutatus 32, 118
- nawai 128
- *Neospathegaster 28, 121
- Neuroterus (subgenus) 27, 128
- New Hampshire fauna 84
- New Jersey fauna 57, 60, 61, 63, 66, 74,
- 84, 86, 101, 104, 105, 127
- New Mexico fauna 40
- New York fauna 46, 48, 57, 60, 61, 63, 66,
- 74, 86, 101, 104, 105, 127
- niger 30, 31, 41, 44, 43;
- figs. 6, 7, 34, 35, 39, 42, 43
- *nigripes 31, 45; figs. 34, 42

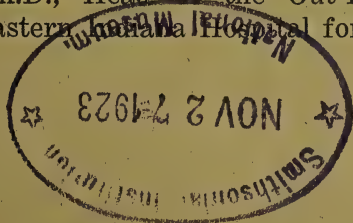
- nigrum* 44
noxiosus 33, 82, 85, 88, 89
numismalis 132
obtectus 128
obtusilobæ 33, 87
**ocularis* 35, 126; fig. 21
 Ohio fauna 48, 71, 119
 Oklahoma fauna 72, 73, 102, 118
**opacus* 30, 73; fig. 12
 Oregon fauna 115
pacificus
 34, 109; figs. 51, 55, 57, 60, 63
pallidipes 60
pallidus 34, 105; fig. 44
pallipes 60
papillatus 46
papillosus 31, 46; fig. 35
**pattersoni* 31, 47; figs. 6, 7, 43
pattoni 137
 Pennsylvania fauna 57, 66, 104
perminimus 31, 48
**pernotus* 30, 74
petioliventræ 131
phellos 137
 Phylogeny 11; fig. 1
pigra 138
podagræ (Aulacidea) fig. 19
politus 114, 128
 Polymorphism, gall 21
**principalis* 92; fig. 58
**prini* 33, 88; figs. 56, 61
**Pseudoneuroterus* 28, 130
**pubescens* 34, 114
**pulvinus* 30, 75
quercicola 34, 106, 114;
 figs. 51, 55, 57, 60, 63
Quercus alba fauna
 15, 48, 60, 70, 84,
 100, 101, 102, 104, 127
Q. arizonica 16, 43, 52
Q. bicolor
 16, 46, 57, 61, 71, 74, 86, 105
Q. breviloba
 16, 45, 47, 62, 71,
 73, 90, 99, 125
Q. Chapmani 15, 77
Q. chrysolepis 16
Q. Douglasii 16, 39, 53, 93, 109
Q. dumosa 16, 108
Q. durata 16
Q. Engelmannii 16, 43
Q. Gambelii 16, 38, 107, 115, 121
Q. garryana 16, 115
Q. geminata 77
Q. grisea 16, 44, 114
Q. lobata 16, 53, 96, 109
Q. macrocarpa 15, 45, 57, 67, 72
Q. Margaretta 15, 77
Q. Michauxii 16, 57
Q. Muhlenbergii 16, 118
Q. oblongifolia 16
Q. prinoides 16, 66, 119, 120, 124
Q. Prinus 16, 88, 118
Q. reticulata 16
Q. stellata
 15, 45, 47, 51, 57, 63, 73,
 75, 78, 97, 100, 102, 125, 126
Q. undulata 16
Q. virginiana 16, 40, 42, 56, 73
**restrictus* 30, 77
 Rhode Island fauna
 46, 66, 70, 84, 86, 88
rileyi 32, 116, 119, 120; fig. 62
saliens 128
saltatorius
 31, 49, 52; figs. 2, 27-31
saltatrix 53
saltitans 52
Spathegaster 25, 131
tectus 29, 65; fig. 26
 Tennessee fauna 100
terminalis 138
**texanus* 31, 56; fig. 28
 Texas fauna
 40, 42, 44, 45, 47, 51,
 56, 57, 62, 71, 72, 73,
 75, 90, 99, 118, 125, 126
thompsoni 32, 120; fig. 62
tricolor 131
tuber 83
umbilicatus 31, 56; figs. 40, 41
 Utah fauna 115
varians 112
 Variation 8
**variegatus* 35, 102
vernalis 87, 88
vernus
 29, 59, 67; figs. 17, 18, 20, 24-26
verrucarum
 29, 30, 67, 77; figs. 12, 32, 33
vesicatrix 132
vesicula
 35, 121, 124, 126;
 figs. 9-11, 15, 16, 21, 47, 48
virgens 32, 120
virgeus 121
 Virginia fauna 63, 78, 100
 Washington fauna 115
washingtonensis 34, 115

INDIANA UNIVERSITY STUDIES



Study No. 59

A SOCIAL STUDY OF MENTAL DEFECTIVES IN COUNTY H., INDIANA, IN 1918. By HAZEL IRENE HANSFORD, Ph.D., Head of the Out-Patient Department, South-eastern Indiana Hospital for the Insane.



The INDIANA UNIVERSITY STUDIES are intended to furnish a means for publishing some of the contributions to knowledge made by instructors and advanced students of the University. The STUDIES are continuously numbered; each number is paged independently.

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Contents

	Page
PROBLEM AND METHOD.....	5
CHAPTER I. THE GEOGRAPHY AND POPULATION OF COUNTY H.....	7
CHAPTER II. THE RESULTS OF THE SURVEY.....	15
1. THE BAKER FAMILY: A FEEBLE-MINDED QUARRY GROUP.....	20
2. THE LOOKOUT RIDGE POPULATION.....	23
3. THE BURNS FAMILY GROUP SHOWING AN INHERITANCE OF HUNTING- TON'S CHOREA.....	29
4. THE JONES-SMITH-BROWN-WILLIAMS GROUP.....	44
5. THE RIPPLE CREEK GROUP.....	60
6. THE McHALEY-JOHNSON FAMILY.....	76
7. LILY BENNETT.....	91
8. A FAMILY OF INSTITUTIONAL CASES.....	91
CHAPTER III. TOWNSHIP POOR RELIEF IN COUNTY H.....	99
CHAPTER IV. THE COUNTY H. ALMSHOUSE AND ITS POPULATION.....	105
CHAPTER V. CRIMINALITY OF THE COUNTY H. MENTAL DEFECTIVES AS SHOWN BY THE JAIL AND THE JUVENILE COURT RECORDS.....	115
CHAPTER VI. OCCUPATIONS OF THE COUNTY H. MENTAL DEFECTIVES.....	119
CHAPTER VII. HOUSING AND HOME CONDITIONS OF COUNTY H. DEFECTIVES	121
CHAPTER VIII. MENTAL DEFECTIVES IN THE SCHOOLS OF COUNTY H.	138
CONCLUSIONS.....	148

Foreword

As explained in the opening section, the present study grew out of the University's undertaking to conduct a survey of one of the counties selected by the Indiana Committee on Mental Defectives. In planning the survey it was found possible to greatly extend its original scope so as to include a more intensive study of the social relations of defectives and also to present a number of family histories. The value of this latter feature is enhanced by the fact that in this area a few strains have contributed a very large percentage of the total defective population. Two other facts also stand out. One is that these groups tend to intermarry and thus to accumulate bad heredity; the other is that the inferior stocks have, in the course of a century, gradually been pushed into the poorer localities, a process which sociologists call environmental selection.

In her field work Miss Hansford had the active coöperation of the University Department of Psychology, particularly in testing school children, and of the social agencies of the city and county investigated. It is perhaps hardly necessary to state that real names either of persons or places within the county are in no case used.

U. G. WEATHERLY.

A Social Study of Mental Defectives in County H., Indiana, in 1918

By HAZEL IRENE HANSFORD, Ph.D., *Head of the Out-Patient Department,
Southeastern Indiana Hospital for the Insane*

PROBLEM AND METHOD

FOR a number of years the increased number of those needing institutional care, of those needing outdoor poor relief, of criminals, and of backward children has attracted the attention of public officials all over the state of Indiana.

In 1915 the governor of the state appointed a legislative committee to study the problem of the mental defective and to make a report to the next legislature. This committee secured the services of Dr. Arthur Eastabrook, who, with two assistants from the Eugenics Record Office, made a survey of two counties. The results of this survey are to be found in the Report of the Committee on Mental Defectives, published November 10, 1916.

Ten more counties were then chosen for study, of which number County H. was one. This county was given over to the State University for a special investigation. Professor Ulysses G. Weatherly, head of the Department of Economics and Sociology, was appointed director of the work.

The most valuable sources of information were those furnished by the State Board of Charities and Correction. This information consisted of the names of all those people from County H. who were receiving or had received institutional care in the past 2 years. These names were all classified according to township. The above-mentioned records were supplemented by a careful study of all jail, poor relief, health, county poor asylum, and insane inquest records and a list from each physician in the county containing the names of all epileptic, insane, and feeble-minded persons known to them.

All the county outside the city of Stonetown was then taken township at a time and carefully studied. The school district was then made the unit within the township. Each questionable school child was tested by the Stanford Revised

Intelligence Scale and then classified according to his Intelligence Quotient, teacher's estimate, ancestral and personal history. Those found subnormal were visited in the home. Relatives in the neighborhood were also visited. The people were quite ready to talk over their illnesses and troubles, and in the course of the friendly conversations many new cases were discovered. Luckily the field worker was acting as temporary worker in the county for the Southeastern Hospital for the Insane, and this gave a legitimate motive for inquiring closely into the ancestry of those related to patients at the Hospital.

The result is a large mass of data gathered from every available source, a large part of which will be presented in this study.

To those familiar with this field of work, it may seem that there has been an unnecessary amount of space devoted to detailed description. But since Indiana, along with many other states, is endeavoring to place the problem of the mental defective before the people and because very few individuals outside active social work are acquainted with the mental defective as he really exists, it was thought best to make the treatment as concrete as possible.

CHAPTER I. THE GEOGRAPHY AND POPULATION OF COUNTY H.

COUNTY H. presents a curious and distinctive study in degeneracy. The geological formation and the drift of early settlement have both and severally determined the progress of the county and have at the same time hastened the decay which has accompanied the progress.

The Knobs in the eastern part of the county and the many narrow valleys of erosion have fixed the character of the county: a central, arable portion surrounded by a deep, irregular fringe of rugged and barren hills. West of the center, the oölitic limestone belt extends north and south spreading and continuing in the county to the south. It is a strip of land cutting diagonally across the county from Harrisburg to the city of Stonetown, and from the south into the next county thru Townships 8 and 11. The first quarry was opened as late as 1850 near Harrisburg. Then for 25 or 30 years nothing, or little, was done towards developing the industry. In 1915 there were 17 quarries, 22 mills, and 15 complete cut-stone plants. These give employment not only in the city of Stonetown but also in the little towns which have sprung up near the quarries all along the left. These quarries, together with the factories, tend to bring in many unskilled laborers from Kentucky and the surrounding counties.

County H. was surveyed in 1812, and all land along the waterways was soon entered. At that time the central part of Indiana was a howling wilderness, and it was necessary to settle along the creeks in order to have a way out to the more civilized parts of the county. Most of the streams in the county are small, but at a time when there were no railways or highways, all produce was stored during the year, and each spring in time of flood was sent downstream on flat boats and rafts constructed for the purpose. The population rapidly increased, spreading first thru the level fertile valleys, and out into the hills later. In 1820 the population was 2,679; in 1830 it was 6,577; in 1840, 10,143; in 1850 it had increased to 11,286; in 1860 to 12,847; in 1870 to 14,168; in 1880 to 15,875; and in 1920 it was 24,500.

The county has been almost wholly populated by people from Virginia and the Carolinas. Many of these came direct to Indiana, and some of them lived for a time in Tennessee and Kentucky. In two communities it was found that the majority of the people did not come from the South, but from Ohio.

Many of the best families in the county today, and also most of the degenerate groups, were among the first settlers. Even at that early date the two groups of citizens seem to have become more or less distinct from each other, one being inferior to the other. In the county histories and family traditions we can read and hear of how Mr. A. gave land for the first schoolhouse; in another place we read that Mr. B. called all his neighbors together and started the first church house; we learn how the families of C. and D. founded a business which is still flourishing, and how certain members of these families went away from home in order to obtain a better education. The descendants of this group are still among the best families of the county. From the same source we learn that "Old Sam Moore and some of his relatives were mighty hunters". They were not afraid of anything and often went into the wilderness of what is now Township 12 to hunt. They preferred to make their living this way rather than by farming or by any other settled method. It is also said that they were not only brave, but that they were reckless and wild. They liked their whiskey, and sometimes the community was scandalized by their conduct. It was whispered that they were too friendly with a few outlaws who even at this early date had sought refuge among the hills. At any rate, they always brought back plenty of whiskey from illicit stills among the hills to their home settlements. They were always great fighters; so it would seem from the first settling of the county, the Allen, Storen, Darton, Cooper, and Bell families were inferior to groups A., B., C., and D. They did not take the lead in the progress of the county, but allowed the others to do so. It is interesting to note that members of the 2 groups did not intermarry except within their own group. The members of the inferior group intermarried to form the greater part of the Ripple Creek group as it stands today.

When the living conditions became more complex, and the inferior group could no longer make a living in the haphazard

manner employed heretofore, those who had not taken up land claims found that the members of the other group had taken up all the fertile land, making it necessary for them to go among the hills in the eastern part of the county. Those of this group who had been able to secure good land soon found themselves unable to compete with the superior group, and were gradually pushed into the less fertile districts.

In the study of the family histories, it will be shown how these families have intermarried after isolating themselves among the hills. Not only has there been a concentrating of bad characters all these years thru intermarriage, but a third factor has done much to hasten the deterioration of these families. Whenever there has been born an individual in this group superior to his family, as a rule he has refused to remain in a place where it is almost impossible for an ambitious man to make a living. So there has been a constant draining off of the most ambitious blood from these inferior communities, leaving the most unfit of the unfit to propagate their kind.

In studying the population of the county, an interesting fact to note is that in 2 districts which were settled largely by Ohioans, there are few or no mental defectives. In 1 of these districts, in the past 9 years there have been only 2 patients received at the Hospital for the Insane; only 3 persons have in the past 2 years applied for poor relief; and in comparison with other townships, very few of the school children were found to be feeble-minded. It would seem that this difference is due to a difference in the original stock rather than to the degenerative forces usually at work in the outlying districts, since there has been a drainage of the population to the city as in other districts, and in the rough country in the western part of the township there is the same opportunity for the building up of defective stock as there is in any parts of the county.

In all parts of the county there has been a gradual shifting of the population until at the present time much of the defective stock has collected in the isolated, unfertile regions, and the more competent persons have taken possession of the good farming land. This throws the unprogressive districts on the outer edge of the county. The rough bits of territory were originally settled for the most part by those who failed to obtain a foothold in the more fertile sections, or in other

words by those who could not compete on equal terms with their neighbors.

A part of the criminal element in the county was attracted to these districts which in the earlier days of the county's history were more or less free from interference of the law. One part of the county became famous as harboring horse thieves; along Mill Creek a counterfeiter's den existed for quite a while without detection; and it was in these hills that the "White-Cap" organization so notorious thruout the state began its existence.

Practically all this lawless element is of the oldest stock in the county. The more recent undesirables to arrive have been attracted by the cheap labor given by the quarries and mills, and as yet very few of them have penetrated the rural portion of the county.

Among this same rough element religious fanaticism has run rampant. Emotional sects such as Holy Rollers, Shakers, etc., have found a great following among the unstable, and most unreasonable beliefs and religions have sprung up in this fertile soil. This point will be further discussed below.

As before stated, the outer fringe of the county, especially the eastern portion, is extremely rough and broken. In Township 12 the Knob formation is especially noticeable. There the high, round hills lying in chains and ridges are separated by deep narrow valleys thru which rush swiftly flowing streams. The tops are for the most part heavily wooded, and until recently all of them were covered with trees and bushes which had never been disturbed. Where these steep slopes have been denuded, the soil is rapidly washing away, leaving barren, gullied waste land. Much of the smaller timber is now being cut by the shiftless inhabitants who cut ties for the railroad when it is absolutely necessary for them to work.

The inhabitants of this district call themselves farmers, when as a fact there is very little farmable land in the township. The soil on the hills is too poor to raise much, and the valleys are too narrow. It has been suggested that fruit-growing might be profitable, but no one has tried it. Even if orchards were planted at the present time there is almost no way of reaching a shipping-point. There is not a mile of stone road in the township and the mud roads are impassable for a great part of the year. They run up and down

the creek beds and over the gullied hills to the next valley, and it is not to be wondered at that the people with ambition and intelligence move to the more fertile parts of the county. For many years this has been known as a pauper township.

Chestnut Ridge is the settlement nearest a railroad point, being 6 miles east of Hilton. This settlement consists of a store, church, and less than half a dozen houses scattered along the road. To reach the village from any direction it is necessary to climb along a steep, slippery, gullied hill. The surrounding hills are covered with forests, but this one is barren. The people try to farm it, but nothing seems to flourish. The whole place gives the impression of dilapidation, sordidness, and miserableness; yet the inhabitants are not really miserable, but are stolidly indifferent to their lack of comfort and beauty.

Most of the houses are log cabins or board shacks; some of them have partly fallen down, and in others only one room is floored. They are all miserably cold in winter and afford no protection from the heat of summer. In 5 or 6 homes in this district the field worker found chickens in the house with the family. One woman in particular is remembered as being seemingly unaware that it was unusual for her hen to lay an egg in the family bed. The only comment made was that the hen laid in the same place every day. In this same house another hen was busy gathering her breakfast off the table, while a third preened her feathers on the old-fashioned bureau.

Dirty, listless children were everywhere; they did not seem to play much either at school or at home. This unusual trait was especially noticeable on the school grounds. The women moved about in the same "don't care" fashion as did the children. They spent a good part of their time in going from house to house to talk over the other neighbors and the school-teacher, the latter being a topic of unflinching interest.

North and west the hill gradually becomes less steep, and there is fairly good farming land in both Townships 9 and 11, especially on the sides nearest the center of the county. Along the extreme eastern part of the county, however, the country is rough.

It was in the southeastern part of the county that the White-Cappers were organized to mete out justice in the out-of-the-way places where the courts slowly if ever found and

punished criminals, but they degenerated into a body of men who used their power to further their own selfish aims. People of the community, not members of the organization, were kept terrorized. They usually knew the perpetrators of the outrages but were unwilling to report them since they would have been "white-capped" before the courts could have acted. People unpopular in the community usually moved at the first request accompanied by a bundle of switches; if not they were always ready to leave after the first visit of the band of men who beat them with clubs and switches, not heeding the agonized pleadings of the victim. In some cases the whole family was tortured.

This method came to be used to gain coveted farms. At last the county authorities had to act, and after the last outrage the participants were given a long sentence. An indiscreet young man in whose home the investigator stayed for some time told how the boys of the "best families" were sworn into the organization as soon as they were 21 years old. He complained that the "trash" of the community was getting too "smart" since the courts had unjustly stopped the aforesaid families from keeping them in order.

Many other wild things have happened and are still happening among these hills. People carry guns and use them most unexpectedly. Revenge is easily obtained, and the county is full of stories of violence: burned houses, barns, and fences; poisoned stock, and cut timber. The same young man who deplored the curbing of the White-Cappers about 5 years ago wished to court the young lady sent out from town to teach the district school. She did not care for his company, and to get revenge he waited until one night when her school was to give a box supper the proceeds of which were to go to the buying of new books for the school library. He collected 4 other reckless fellows, passed around some whiskey, and went to the schoolhouse, which they entered shooting between and above people into the ceiling. Everybody fled, spending no money, and the young man was avenged. This story sounds like a happening out west about 25 years ago, but it really happened in County H. of Indiana about 5 years ago, and the principal male actor is now (1918) only 27 years old.

In the northern section of the county there is another large group of hills which are even higher than those in the region of Township 12, but are fewer in number and their slopes are

more gradual than those in the southern part of the county. This district includes Townships 2, 3, and parts of 1 and 5. They are still very rural in character. At the present time the outlook for the betterment of the community is brighter than ever before, as a start has been made toward placing this rough hill country on a better economic basis than it has been heretofore. Since one man in Township 3 has demonstrated that fruit is a paying investment, a number of men have planted orchards which they are enlarging from year to year. Already this industry has reached the proportions where it furnishes employment to a limited number of men. This, however, will only accentuate the defect already existing since the defectives will be the ones who will not respond to the new conditions.

In Township 3, where there is a Holy Roller community, a teacher corrected a small boy and his sister for mispronouncing a word. The boy at once threw back his head and began making unintelligible sounds. The teacher was frightened, thinking that the boy was having some sort of a "spell" until one of the other children explained that the child was "talking in tongues". The teacher picked up a strap and only 3 applications were necessary to make the boy change back into plain English. It might be well to explain that the people of this faith claim that they have been sanctified and can speak in the "unknown tongues" which were spoken on the day of Pentecost. The little girl then began to speak in the unknown tongue but was reduced to plain English by the same method used on her brother. The next morning a notice was on the blackboard saying that the teacher's hide would be found hanging on the blackberry bushes if he ever touched the children again. The boy again demonstrated his ability to speak the unknown tongue on the second day, whereupon he received a severe whipping. The next morning the schoolhouse was almost a wreck; every windowpane was smashed, the door was broken in, the seats were jerked loose and piled in the center of the room, the stove was broken and the pieces were heaped in a pile on the teacher's table. It is safe to say that every person in that community knew the guilty party, yet the one who did the work was never punished.

In Townships 7, 8, and parts of 4, 5, 6, and 11 is to be found excellent farming land. Here are the prosperous farming communities, and if it were not for the fact that in each

of these townships are to be found small areas of extremely rough land where the more incompetent men of society have segregated themselves and multiplied in the fashion common to their class, the population would be fairly free from the presence of mental defectives.

Township 11 has from the time of the first settler played an important part in the history of the county. During the long winter seasons the old settlers would build great flat-boats, and when the spring freshets came would load them with grain and meat. Some of these adventurous men would take their produce to the South where there was a good market and then return overland with necessities for the community. When the railroad was built, much of this hazardous travel was done away with, but the creeks still serve to furnish power for the grist and saw mills, making these townships prosperous ones.

During the shift in the county population, there has been in the early years a steady increase in the rural districts, especially in the more fertile regions. The increase was general until about 1890, when a fairly rapid decrease set in, and the urban communities seemed to grow at the expense of the former. Table I shows the U.S. Census (1910) figures for each township from 1850 to 1918. The opening up of the factories and quarries has probably had much to do with this move in population.

TABLE I. U.S. CENSUS FIGURES FOR COUNTY H. POPULATION

TOWNSHIP	YEAR							
	1850	1860	1870	1880	1890	1900	1910	1918
1.....	996	1,184	1,316	1,317	1,594	1,466	1,761	1,253
2.....		965	990	1,081	1,112	1,095	771	658
3.....	252	341	372	493	521	506	365	284
4.....	966	1,173	1,486	1,610	1,608	1,565	1,578	1,450
5.....	1,227	2,406	1,828	994	996	1,405	1,402	1,458
6.....	622	690	867	925	1,018	1,114	962	802
7.....		1,019	972	1,087	1,025	1,010	1,153	1,206
8.....	1,008	1,434	1,513	1,220	1,288	1,477	2,084	1,867
9.....		605	636	784	851	927	885	782
10.....	1,202	1,083	988	1,131	1,036	927	860	723
11.....	946	1,232	1,325	1,434	1,526	1,618	1,713	1,942
12.....	431	690	843	1,043	1,080	1,103	1,054	1,071
City.....	1,305			2,756		6,440	8,838	11,100

*The 1918 population is an approximate estimate.

CHAPTER II. THE RESULTS OF THE SURVEY

THERE were 704 mental defectives found in County H. As the total population is 23,500, the per cent of defectives is 2.99. This number is very conservative, for all the cases in which there is the slightest bit of doubt as to their condition, have been thrown out. Many other cases, in which the investigators were reasonably sure that the persons were defectives, but of which there was little proof, were also discarded. The borderline cases were noted and a card index made of them, but they were not included in the final tabulation.

See Tables II, III, and IV. Of the above defectives, 527 were feeble-minded. Only 31 of these are receiving institutional care. Of the remaining 498, 208 are greatly in need of care. Of the total number, 461 are morons, 52 are imbeciles, and 14 are idiots.

Because of the common terror of the insane, a large per cent of this group is receiving care and treatment. Out of 110 insane, only 52 are at large, and 26 of these are harmless cases who are well taken care of at home. This leaves only 26 in the community needing care. Of the 58 who are in institutions, 52 are in the Southeastern Hospital for the Insane, 3 are in the County Poor Asylum, and 3 are in the State Hospital for the Criminal Insane.

The epileptics are the ones suffering most from lack of care. Of 67 in this class, only 7 are in institutions: 1 of them being in the Indiana Village for Epileptics, 1 in the County Poor Asylum, 4 in the Southeastern Hospital for the Insane, and 1 in the Indiana Girls' School. Of the 60 in the community, all should be receiving care and treatment, but it is imperative in the name of humanity that 20 of them receive it at once. Of this 20, 8 are women for whom there is no place until the Village is enlarged to accommodate them. At the present time it is almost impossible to get men admitted because of the crowded conditions there. In 1918, a man stayed in the county jail for 5 months without once setting his foot on the ground, waiting to be admitted to the Village. At last he was taken to the County Poor Asylum where he was con-

TABLE II. MENTAL DEFECTIVES OF COUNTY H.

TYPE OF DEFECTIVE	IN COMMUNITY			IN PUBLIC INSTITUTIONS										Grand Total	
	Institutional Care Not Needed.	Institutional Care Needed.	Total in Community	County Poor Asylum	School for Feeble-Minded Youth.	Southeastern Hospital for Insane.	State Hospital for Insane Criminals	Epileptic Village	Indiana Reformatory	Indiana Girls' School	Indiana Boys' School	Orphans' Homes	Other Institutions		Total Institutions
Morons.....	256	184	440	10	1	.....	3	.....	2	2	1	1	1	21	461
Imbeciles.....	22	23	45	3	3	.....	.....	.....	.....	.....	.....	1	.....	7	52
Idiots.....	10	1	11	2	1	.....	.....	.....	.....	.....	.....	.....	.....	3	14
Total of Feeble-Minded.....	288	208	496	15	5	.....	3	.....	2	2	1	2	1	31	527
Insane.....	26	26	52	3	.....	52	3	.....	.....	.....	.....	.....	.....	58	110
Epileptics.....	40	20	60	1	.....	4	.....	1	.....	1	.....	.....	.....	7	67
Total of Defectives.....	354	254	608	19	5	56	6	1	2	3	1	2	1	96	704

TABLE III. MALE DEFECTIVES OF COUNTY H.

TYPE OF DEFECTIVE	IN COMMUNITY			IN PUBLIC INSTITUTIONS										Grand Total	
	Institutional Care Not Needed.	Institutional Care Needed.	Total in Community	County Poor Asylum	School for Feeble-Minded Youth.	Southeastern Hospital for Insane.	State Hospital for Insane Criminals	Epileptic Village	Indiana Reformatory	Indiana Girls' School	Indiana Boys' School	Orphans' Homes	Other Institutions		Total Institutions
Morons.....	141	73	214	7	1	1	3	1	2	1	1	1	1	15	229
Imbeciles.....	12	13	25	1	1	1	1	1	1	1	1	1	1	2	27
Idiots.....	6	1	7	1	1	1	1	1	1	1	1	1	1	1	7
Total of Feeble-Minded.....	159	86	245	9	1	1	3	1	2	1	1	1	1	18	263
Insane.....	16	15	31	2	1	26	3	1	1	1	1	1	1	31	62
Epileptic.....	19	12	31	1	1	2	1	1	1	1	1	1	1	4	35
Total Defectives.....	194	113	307	12	1	28	6	1	2	1	1	1	1	53	360

TABLE IV. FEMALE DEFECTIVES OF COUNTY H.

TYPE OF DEFECTIVE	IN COMMUNITY			IN PUBLIC INSTITUTIONS											Grand Total
	Institutional Care Not Needed.	Institutional Care Needed.	Total in Community	County Poor Asylum	School for Feeble-Minded Youth.	Southeastern Hospital for Insane.	State Hospital for Insane Criminals	Epileptic Village	Indiana Reformatory	Indiana Girls' School	Indiana Boys' School	Orphans' Homes	Other Institutions	Total Institutions	
Morons.....	115	111	226	3	1	.....	.....	.....	.....	2	.....	.....	.....	6	232
Imbeciles.....	10	10	20	2	2	.....	.....	.....	.....	.....	.....	1	.....	5	25
Idiot.....	4	1	5	1	1	.....	.....	.....	.....	.....	.....	.....	.....	2	7
Total of Feeble-Minded.....	129	122	251	6	4	.....	.....	.....	.....	2	.....	1	.....	13	264
Insane.....	10	11	21	1	.....	26	.....	.....	.....	.....	.....	.....	.....	27	48
Epileptic.....	21	8	29	.....	.....	2	.....	.....	.....	1	.....	.....	.....	3	32
Total of Defectives.....	160	141	301	7	4	28	.....	.....	.....	3	.....	1	.....	43	344

fined in the guardhouse. At the present time a movement has been started to place him in the Southeastern Hospital for the Insane.

Tables III and IV give the mental defectives of County H. according to sex. The most striking differences are (1) the larger number of female morons needing care, and (2) the preponderance of insane males. This latter can be explained by the fact that men are more apt to be alcoholic and syphilitic and as a result end their days in the Insane Hospital as paretics.

TABLE V

TOWNSHIP	FEEBLE-MINDED	INSANE	EPILEPTIC	TOTAL	TOTAL POPULATION ¹	%
1.....	25	8	7	40	1,253	3.19
2.....	13	10	1	24	658	3.63
3.....	12	5	1	18	284	6.34
4.....	42	8	9	59	1,459	4.07
5.....	27	7	1	35	1,458	2.40
6.....	12	2	3	17	806	2.10
7.....	27	7	4	38	1,206	3.15
8.....	33	10	5	48	1,867	3.56
9.....	26	2	3	31	782	3.95
10.....	8	1	5	14	723	1.92
11.....	47	13	10	70	1,942	3.60
12.....	38	3	2	43	1,071	4.01
Total Rural.....	310	76	51	437	13,500	3.5
Stonetown.....	216	36	17	269	11,100	3.42
Grand Total....	526	111	67	706	24,500	2.99

¹The figures are approximate.

It is quickly seen from Table V that some of the townships have far more defectives according to their population than others. This has been partially explained in the preceding section as the result of geographical selection. The family group histories which are to follow will bring out this point more clearly.

It is not possible in a study of this kind to present all of the material or all of the really interesting family histories. Therefore a few of those which are typical have been selected and are described in detail.

1. The Baker Family: A Feeble-Minded Quarry Group

The Baker family is what might well be called a typical quarry group. The 2 generations now of the working age have always been employed in stone work, and, knowing no other occupation, do not seem to have the ability, when the quarries and mills are closed, to drop into other kinds of work.

Originally the Bakers lived in an adjoining county where they worked for a stone company and lived in or near a small company village. There were 8 brothers and 3 sisters in the family. Of these brothers, 7 were living and most of the time were working at the above-mentioned stone plant. They all looked and acted alike. They were blue, cross and squint-eyed, had reddish hair, were tall, stoop-shouldered, and, except 1, were sober honest men. None of them was what one would call "bright", but they had enough intelligence to do what they were told and were regular workmen.

Sydney married Louise Sage, of County H., by whom he had 2 children, Ella and Edgar. Louise, too, was cross-eyed and not overburdened with intelligence. She was a fairly good housewife, however, and they lived in comfort. He worked from 10 to 14 hours a day each work day in the year, and because of his faithfulness he was usually given something to do when many of the men were without work. He died as a result of a quarry accident. His daughter Ella married her first cousin, Don Lampkins. He resembled the Baker men very closely. They have no children. Edgar, the second child of Sydney, is decidedly feeble-minded. He has never been able to learn either in or out of school. He is not the steady worker that his father was. He is always looking for work and never finding it—at least he never finds permanent work. He can often be seen beating rugs, cutting grass, etc., about town. For a time he drove a delivery wagon but made so many mistakes that he had to give up the place. He cannot support his family, and his name appears on the records of the Charity Organization Society.

Thomas Baker, the brother of Sydney, is a moron of 55 years. He, too, is a plodder thru life. He married Ruth Sage, a sister of Louise. She is a low-grade moron, dirty, sloven, and inferior physically. Like Louise, she is afflicted with strabismus. She and Thomas have 3 feeble-minded children: George, Ralph, and Ira. Thomas has always made a

living and has saved enough to buy a tiny home in Harrisburg.

George, the first child of Thomas and Ruth, 34 years old, is feeble-minded and is married to a feeble-minded epileptic woman, Ethel Hanson. As a small boy George was not considered bright, and the other children all made fun of him. He had only reached the second grade when at the age of 15 years he left school and went to work in the stone quarry as water boy. The physician of the community aptly described George when he said: "George isn't crazy—he hasn't brain matter enough to be crazy. Like the other Bakers he isn't blessed with sense." He and his epileptic wife have 4 children: Amy, Elizabeth, Walter, and Henry. Amy, the oldest child of George and Ethel, is very dull. She is nearly 13 years old and is yet in the second grade in school. She cannot talk plainly enough to be understood, is cross-eyed, walks sideways, and is constantly trying to pull her shoulders up around her neck. The neighbors say that she has fits like her mother and is as crazy as Ethel. The physician says that she is an epileptic. Elizabeth, the second child of George, is feeble-minded, and the 2 younger children are decidedly inferior.

Ralph, the second child of Thomas and Ruth Baker, is feeble-minded. Like his brother George, he was tormented as a boy by the other children. In this respect children are often like little beasts in that they try to drive away or pester an inferior child. Ralph married Anna Turner, of Stone-town, the feeble-minded sister of Leslie Turner, an epileptic. She is a high-grade imbecile according to reports of physician and neighbors. She was not seen as she now lives in Indianapolis. Ralph is not self-supporting as was his father. The wife is not much more help in managing the family than the 2 babies whom she has brought into the world. Ralph has served 8 jail sentences totaling 25 days. Of these, 4 were for bootlegging, 2 for gaming, 1 for keeping a "blind tiger", and 1 for trespass. He has cost the county \$14 because of these misdemeanors.

Ira, the third child of Thomas and Ruth Baker, is feeble-minded. He is unmarried. He is of a higher grade than his brothers and will probably be self-supporting.

Walter, the third Baker brother, like his brother Sydney was a steady, hard-working laborer. His wife inherited a small piece of land, and in his late years he left the quarries

and tended the farm. He was always highly respected as an honest man. His children died in infancy and he reared 2 others: Belle Andrews, his sister's child; and Jake, his brother's child.

Roy, another one of the Baker brothers, lives in Stonetown and works in the stone mills. Formerly he lived in O. County. He married Amy Christy, of that county, by whom he has 5 children: Margaret, Nellie, Bessie, Lucy, and Violet. Roy and his wife are both industrious, but find it hard to make both ends meet. The 2 older girls are married, and the third is away from home. Lucy is feeble-minded, being 16 years and 7 months old with a mental age of 8-2¹. She is only in the sixth grade at school and has been in jail on an immorality charge. She is known to have been the victim of a number of different men. She is rather pretty, can do routine factory work, but is exactly that kind of a defective who is making the whole problem such a serious one. Her sister Violet is in many ways very similiar to Lucy. Her I.Q. is 63. She, too, needs custodial care or will need it soon, for she is now 12 years old.

Herbert, another one of the Baker brothers, is somewhat different from the others. At times he is insane; at all times he is highly emotional. He has a habit of going to a high hill outside the city limits at night and early in the morning where he prays so loud that he disturbs that part of town. He sometimes stays there until he falls of exhaustion. He has 7 children. The oldest, Ben, is feeble-minded and has a feeble-minded wife. The others were not visited.

Hiram, another of the Baker brothers, was the "black sheep" of the family. He was the only alcoholic member of the family, and consequently he and his family were not self-supporting. He married a prostitute, by whom he had 4 children: Marie, Jake, Laura, and Jim. They were all inferior mentally and physically. Hiram was run down by a train while drunk. His wife immediately resumed her prostitution and within 6 months died of an acute venereal infection. The children were scattered. Marie, who was about 14 years old, went to her aunt, who was living in the red light district of Indianapolis; Walter Baker took Jake; and the others were taken by their maternal grandmother.

¹ 8-2 means a mental age of 8 years, 2 months.

Adam Baker, the seventh brother, is also a stone quarry laborer. By his stooped shoulders, crossed eyes, and thin face one would know him to be a Baker. He married the widow of Charles Slack, by whom he had 2 or 3 children, the oldest of whom is feeble-minded, Dwight. Adam is usually on the borderline of self-support. As long as the quarries are open and he has no sickness in his family, he needs no help, but there are many times when he has to ask for help from relatives and friends. He has received township poor relief to the amount of \$9.25, and his name appears on the records of the Charity Organization Society. His name appears once on the county jail records showing that he spent 2 days there on an intoxication charge.

Summary

Here is a family which seems to be on the downward path, the older generation being in the main self-supporting and self-respecting. They are mentally and socially inferior, but not so much so but that they can get along after a fashion. With these mental traits are a few physical characteristics which seem to be dominant. Their children are not able to meet the requirements of their environment, being inferior to their parents both socially and mentally. This is not because of increased social pressure, as the old folks are still living, and living under the new conditions as well as their children. If the coming generation can be judged by what they are as young children, the chances are that the third generation will be even of a lower type than that of the second.

2. The Lookout Ridge Population

Northwest of Harrisburg in Township 1 is a very small block of rough country. Surrounded on all sides by good pike roads and fine farms, it is crossed only by the roughest of slippery, gullied mud roads. The ground is high, trees are mostly of a scrubby nature, red clay shows plainly in the scanty pastures, gates sag, houses look tired of standing, and the people remind one of the poor white trash of the South, giving the whole territory a desolate appearance. Lookout Ridge is the name usually applied to this little bit of hill country which is about 2 by 3 miles in size.

A little over 100 years ago, this was known as the Skinner neighborhood. There "old man Skinner" reared his family on cornbread and whiskey. They hunted and fished most of the time and farmed when it was necessary. He and his relatives built houses in which their descendants are still living. They have never improved the property or built roads in the neighborhood. Practically the whole of Lookout Ridge is still owned by these descendants.

"Old Charlie" Skinner married his own blood niece, a Jasper woman, by whom he had 5 children of whom we have some record. Charlie Jr., the third child of the old man, is recalled by the old inhabitants of the county as a wicked old scoundrel who would burn, steal, or lie. One of his favorite tricks was to steal meat and then set fire to the smokehouse. He could neither read nor write. He married Lizzie Sanders, by whom he had 10 children. Of these, Rose is the most interesting. Before her marriage she kept house for her father and her Uncle Bill Skinner, who was a widower. She was always considered queer and crazy—"just like a Skinner". She would often go off from the house and sleep in hay stacks because she thought that people were pursuing her. She let her hair hang about her head and shoulders, would swear, fight, drink, and was loose in her sex relations.

For years she lived as the wife of her father and uncle. She claims, however, that the father of her first child, Eddie, was a Henson man. The next 2 boys belong to her uncle Bill Skinner. The birth of these make the second offspring from uncle-niece unions in 2 successive generations. Rose has 2 other children, Stella and Bessie, whose father is thought to be Homer Alvis. Homer says, however, that she had them when he married her, and that he does not know to whom they belong.

Rose and Homer both went to the County Poor Asylum about 10 years ago, and she is still there. Homer died in the spring of 1918 of burns resulting from the upsetting of a coal oil lamp. Rose is 50 years old according to her own statement. She says that Homer was lazy and that she always had to make the living, also that when it became necessary for her to come to the County Farm he followed. The truth is that he always was a fairly good worker but he spent his money foolishly. When he was in the state

prison, her boys went to relatives and the girls were taken by the Society for Homeless Children. Rose thinks that the Board had them killed. At times she is so violent that the Poor Asylum authorities have to lock her in her room. She is very much depressed at times and says that she has a bad nervous trouble. Her husband said that she had been crazy for a long time.

Eddie, the first child of Rose Skinner Alvis, is about 38 years old. His father was a Henson according to the mother's statement. He has been insane at one time. He now lives in S. County.

John Skinner, the second child of Rose, was born in 1883. His father was Bill Skinner. John grew up to be a steady worker according to his step-father; he side-tended on a channeling machine in a stone mill. He was alcoholic and licentious. In 1909 he was sent to the Central Insane Hospital from which place he was transferred to the Southeastern in 1910. His diagnosis is Primary Dementia.

Oscar, the third child of Rose, belonging to Bill Skinner, is supposed to be dead.

Stella and Bessie were taken by the Society for Homeless Children and are probably placed out. The supposed father of these 2 girls, Homer Alvis, has already been discussed as a typical quarryman. He is related to Jane Lowden and John Blew, who have been patients of the Southeastern Hospital.

Bill Skinner, the fourth child of Charlie Sr., married Elizabeth Blew, aunt of John Blew. By her he had 2 sons. He then fell in love with her sister Rachael, after which the wife died suddenly and very mysteriously, according to the neighborhood gossip. The day after the funeral he tried to force Rachael to marry him but was unsuccessful. A few days later she died in the same manner as her sister, and then people were sure that he had poisoned both women. Nothing was ever done about it, for the neighbors did not want the enmity of the Skinners. It was at this time that he took up with his niece Rose. Several years later Rose and Bill had a quarrel, and Bill shot himself. Some of the neighbors think that Rose shot him.

The fifth child of Charlie Skinner Sr. married a Woods. We know of only 2 children of this union, Arthur and a girl.

Arthur married Agnes Stewart, who was insane. By her he had 2 children, John and Helen.

John Woods, the first child of George and Agnes, lives on Lookout Ridge. He is a tall, spare man of 41 years, poorly developed, has an enlarged asymmetrical cranium, face seamed with wrinkles, external strabismus, elementary hands, and a negroid nose. He says that he was "edicated" for a teacher and therefore teaches his boy at home. The son can count a little and knows a part of his letters, which is quite a bit for a ten-year-old boy.

John's father owned quite a large farm on a part of which John now lives. The house in which he lives is a desolate looking place, containing no carpets, curtains, or blinds in any of the 4 rooms. The place is filthy dirty, the bad odor of which can be detected from the road. The windowpanes are broken and covered with tin or stuffed with rags.

John's wife was a Sanders girl from Harrisburg and a cousin of the Martins of that place, who are high-grade morons. Mrs. Woods and her sisters, Laura and Anna Sanders, are also morons. Their mother was Estie Fellows, who is related to Robert Merker, a patient in the Southeastern Hospital for the Insane.

Floyd, the first child of John Woods, is feeble-minded. The other 3 children are decidedly inferior both physically and mentally.

Helen, the second child of Arthur Woods, is 37 years old. She is skinny, has simian hands, external strabismus, asymmetrical face, and is very loquacious. She can neither read nor write. She married Walter Dobson, a feeble-minded man by whom she has 2 children, James and Bert. The whole family is noted for being peculiar. They own the little farm which she inherited, and together with the oversight of an old lady who lives with them (normal) they manage to make a fairly good living.

James, the son of Helen and Walter Dobson, is 6 years old. He cannot talk plainly and did not walk until he was more than 4 years old.

Will Woods, a cousin of John, is the illegitimate son of the sister of Arthur Woods by Gerald Keene, a prominent man of the community. Will was raised by a Mr. Harper. He married a Stone, and to them were born 6 children: John,

Martha, Harvey, Rebecca, and 2 others who died in infancy. John is now dead, and his widow lives a mile off of any road in a thicket of underbrush and briars. The old log house is in very bad repair, and the ground is uncultivated except for a garden spot which the women have.

John, the first child of Will Woods, married Daisy Hampton from an adjoining county, who was a widow with an epileptic daughter. John was fatally injured in a stone mill and died leaving no children.

Ione, the epileptic daughter of Mrs. John Woods, is 24 years old. She started to school at 6 years and completed the fourth grade in 3 years. At 8 she began having convulsions and at 9 had to be taken from school. She is now almost wholly demented. The mother was able to discuss the case without the girl comprehending that she was the subject of the conversation. She is kept clean, answers the visitor with a sweet smile, but rarely speaks.

Martha, the second child of Will Woods, is feeble-minded. She is very retiring in disposition, so much so that she could never be persuaded to attend school, and when visitors appear she always runs away. She was helping to prepare the noon meal when the field worker visited the home but disappeared as quickly as possible. She was large and fleshy, her hair was hanging down her back, and a "mother Hubbard" seemed to be her sole garment. Her face is heavy and stolid. The mother says that she cannot work except under supervision.

Harvey Woods, the third child of Will, is insane. According to his mother's statement, he has been unbalanced since one night 7 years ago when he was badly frightened on his way to town. Since that time he has imagined that people are trying to catch and kill him. He lives in the woods, returning to his home for food only after the family has retired for the night. Then he goes in and prepares enough food to last until another night. One of his favorite amusements is to lift the filled wood box as high as he can and then drop it to the floor with a bang. He will do this as many as a dozen times while cooking his lunch. In summer he wears few clothes. The field worker saw him running from tree to tree as she drove to the house to see his mother. His trousers were all gone except the hip lining about the

waist, a burlap sack was draped about the upper part of his limbs, and he had neither shirt nor socks. His black hair and beard hung to his waist. He is said to be harmless.

Rebecca, the fourth child of Will Woods, is insane. She was born in 1896. When 19 years old, she married Elmer Clay, who is both alcoholic and licentious. By him she has 1 child. She is a red-haired woman of 22 years—large, awkward, very emotional, profane, vulgar, ready to burst into anger at any time, is negativistic, taking exception to almost everything said. She made life a burden for her husband. It was a common occurrence for her to follow him to town where she would start a fight with him. It was necessary for him to whip her or be beaten. At 2 different times when angered she has torn her furniture into shreds. She is now separated from her husband.

The fifth and sixth children of Will Woods died in infancy.

This group does not figure on the county records to any great extent. Of this family, 3 members have received a total of \$15 in poor relief; 10 members have been arrested, costing the community \$33.25; 6 of them have spent a total of 17 years in the County Poor Asylum, costing the county \$2,534.40. The larger part of this was used by Homer, Rose, and Bessie Alvis in the form of support in the Poor Asylum. These 3 have spent 16 years and 3 months there. It is not known how often they appear on the records of the adjoining county, as the county line runs thru Lookout Ridge leaving many of this family in the other county. There has also been quite a bit of money spent by the state on Stella and Bessie Alvis, orphans, and on John Skinner, who has been in the Southeastern Hospital for the Insane for 10 years.

Summary

In this community study we have an excellent example of the inferior stock predominating in a rough, infertile district with few or no improvements. This stock has been inferior at the time of the settling of the county, a fact which probably accounts for their establishing themselves in the least desirable part of the county. Once established, they lived their lives free from the restraints of social law and in non-competition with the better class of citizens, who did not care to gain a foothold in the poor land. Inter-

marriage with others of their kind, alcoholism, and vice have done much to accelerate the degeneration of this group in the past. It has come into conflict with society very little because of its isolated position, but, in the future, now that the country is becoming more thickly settled and living conditions are becoming more complex, we can expect the members of this community to become a source of annoyance and danger to the welfare of the county and state.

3. The Burns Family Group, Showing an Inheritance of Huntington's Chorea, Other Forms of Chorea, Insanity, and Uncontrolled Temper

Over 100 years ago there lived in County H. near the line between Townships 2 and 5 a prostitute whose children were: (1) Mary, whose father was supposed to be a Holsen; (2) Harmon, whose father was James Brown; (3) Mrs. Donald Bruce, whose father was a Gibson; (4) an idiot boy, whose father was supposedly a Botkins; (5), (6), and (7), boys who died of tuberculosis; and (8) Emma, who married Glen Kelley. After all these children were born, the mother married a Burns and her offspring took that name. Nothing more is known of her except that she drank, fought, and was considered the meanest white woman in the community. Once she cut the throat of a horse belonging to a neighbor, and on the following night the citizens tarred and feathered her and rode her on a rail. This happened about the time the White-Cappers were organized and meting out justice in cases where the courts were slow to act. The last years of Mrs. Burns were miserable because of an affliction which, according to the reports of her grandchildren, was the same as some of the present generation are suffering—chorea. It is said that she jerked and twitched so constantly that it was impossible for her to care for herself during the last few years of her life. She died insane, blind, and penniless.

Her first child, Mary, married Samuel Morris, by whom she had 5 children: Ralph, Paul, Mose, Samuel, and John. Very little is known of Mary until Samuel decided to get rid of her so that he could marry her niece, Annie Burns. Annie lived in their home and had already borne him 1 son, Wilbur, and was threatening him with arrest on a second paternity charge. He then made Mary leave, and when he

discovered that she had taken a set of knitting needles went after them. He and Annie were then married, and Belle, Gerald, and Robert were born in rapid succession after Wilbur.

Samuel, besides being immoral, was very alcoholic and quarrelsome. He was always in a law suit with some of his neighbors. It is said that he employed a lawyer by the year, as did his son Ralph. At one time he was hand in glove with the Brown family of counterfeiteers. In some way he accumulated a large estate which he left to his heirs, along with his high temper and quarrelsome disposition. The neighbors say that he died crazy. Mary died at the home of her son Ralph. Annie lived on the old home place with her sons. Her last years were without rest, for she was badly afflicted with chorea. Several who knew her well say that toward the last she could not stay in bed unless tied. If she tried to walk she would often jerk herself off her feet. Her sons would get angry and pull her about by the hair when she would begin to flounce about on the floor.

Nothing is known of the Morris ancestry except that Samuel was born in North Carolina, and that a sister married Ralph Easton, the common ancestor of the Easton and Samson families. This second branch of the family has not been studied in detail, but some of the well-known members will be discussed in the next family study.

Ralph, the first child of Samuel Morris, married Cassie Buskirk, by whom he had 11 children. Like his father, Ralph was a very contentious old fellow. He was also known to be honest and square in his business deals.

Josephine, first child of Ralph Morris, married Aaron Woods. She is not a defective, but slightly unstable, high-tempered, and quarrelsome. Her husband owns a farm and is doing well. She was about 30 years old and her husband between 40 and 50 when they were married.

Mabel, the second child of Ralph, married Horace Potts. They are both now dead. She is said to have been a good level-headed manager.

Paul, the third child of Ralph, married Charlotte Williamson, the daughter of Luther Williamson, who died insane. His wife eloped with a gypsy horse-trader, by whom she had 2 children who now live in Rushton. Charlotte has queer "spells", which may be attacks of *petit mal*, or even *grand*

mal. She falls out of her chair, according to her daughter Alice, and lies in a convulsion. Before and after these attacks she is meaner than ever. Charlotte always has been mean. She beats her children with clubs and fights with her grown children. Then when the trouble is aired in court she threatens to kill the little children unless they swear as she bids them. When the children disobey, she has them arrested. Recently she tried to have her daughter Alice committed to the Southeastern Hospital for the Insane after a family quarrel. She and her son Peter once had a fight after which she had him arrested. Charlotte is very industrious; she wears overalls and does her own plowing. She is usually barefooted. The 3 other girls married Roscoe Barr, Ted Matson, and Andrew Booth. Paul died of mastoid abscess.

Alice, the fifth child of Paul and Charlotte Morris, is feeble-minded. She was born in 1901. According to her teachers, she went to school until she was 15 years old and had reached the fifth grade. It was impossible for her to learn. Her mother finally took her out of school to shuck corn, and in December, 1917, she gave birth to an illegitimate child by Luther Snow. She has always had the characteristic Morris temper and sullen meanness. During and after pregnancy her irritability increased, and this was the basis of the mother's complaint. The girl was paid \$200 damages after the birth of the child, which, Alice says, Mrs. Morris used for her own purposes. Every time the girl asked for money there would be a fight. Once Mrs. Morris threw a stick of wood which struck the baby. It was after one of these fights that Charlotte had her arrested on a charge of insanity. After remaining in jail for several days she was acquitted, the decision being that she was a high-tempered moron who was continually clashing with her mother, another moron. A physician who has known the family for 20 years says that the trouble is that "There is a little bit too much hell in all of them."

Jessie, the sixth child of Paul and Charlotte, is probably feeble-minded. She was not examined but was among the 5 poorest pupils in the school according to the teacher's estimate. She is extremely bashful, and at the trial of Alice could not testify because she would break down and weep. She was in the eighth grade this year but failed to pass the final examination.

Roscoe, the seventh child of Paul and Charlotte, is 11 years old. He, too, is among the 5 dullest pupils in the district school. He is very irregular in his attendance, since he is the only male help on the farm.

Olive, the eighth child of Paul and Charlotte, is feeble-minded. Her I.Q. is 64. Altho only 8 years old, she works all the time, caring for the chickens, feeding stock, doing housework, and carrying water.

Stanley, ninth child of Paul and Charlotte, is very inferior. He did not walk until he was 4 years old and cannot yet talk plainly.

The fourth child of Ralph Morris died in infancy.

Lloyd, the fifth child of Ralph, according to Mrs. Paul Morris, was silly. Dr. — says that he was feeble-minded. A neighbor says that he was queer. He was never known to talk to women outside his own family; he disliked coming to town, lacked the characteristic Morris temper, and died of tuberculosis.

Norman, the sixth child of Ralph Morris, never married. He was very alcoholic, licentious, and quarrelsome. He was continuously engaged in some sort of a brawl. Members of the family say that he died of tuberculosis, but the doctors say that dissipation and venereal diseases caused his death.

Harry, the seventh child of Ralph, married Opal Walker and moved to Illinois. He is said to be an average citizen.

Elsie, the eighth child of Ralph, married Wayne Mundy, by whom she had 4 children: Edna, Kenneth, Lena, and James. Elsie has been in the Southeastern Hospital for the Insane since March 17, 1917. She had previously been in Central Hospital from December 17, 1907, to May 25, 1910. Her diagnosis was Manic Depressive. She was born in 1882 in County H. As a baby she had convulsions, and later as a young girl was very nervous. She suffered with violent sick headaches, with fainting and vomiting at time of menstrual periods, which were often three months apart. She attended school until she was 18 years old and reached only the fifth reader. At one time she was a patient of Fletcher's Sanitarium at Indianapolis. Her sister, Mrs. Booth, says that Elsie's trouble is all caused by her husband. He would not stay at home in the evenings, drank heavily, and would brag to his wife of his paramours. He refused to take her out

in company. Her husband is the son of William Mundy, who died in the Southeastern Hospital.

Margaret, the ninth child of Ralph Morris, married Charles Gilmore, and soon afterwards died of tuberculosis. According to a neighbor, she was the worst of the whole family excepting Matilda. She was extremely immoral and a very contentious neighbor.

Doris, tenth child of Ralph Morris, married first, Louis Huff, who soon died, and, secondly, Harry Wheeler. She has 3 children by the first husband.

Henrietta, the eleventh child of Ralph Morris, married Victor Norton and is well known in her community. She is not so flighty and irritable as some of her relatives. Her home is well kept and she has no petty quarrels to her record.

Matilda, the twelfth child of Ralph, married Raymond Booth, by whom she has 2 children, Mildred and Catherine. She and Raymond separated and she married Harrold Douglas. Later when she found that Raymond was making lots of money, she divorced Douglas and remarried Booth, with whom she now lives in Stonetown. She owns her own home of 5 rooms which are well furnished and scrupulously clean.

Mrs. Booth is a small, wiry woman with light red hair and wicked looking eyes. She is very excitable and rough. Her neighbors are afraid to cross her in any way, for she is malicious and sharp-tongued. In an ordinary conversation she will clench her fists and walk up and down the room swearing and threatening everybody in general.

Her twin daughters, Mildred and Catherine, are pretty, refined, and sweet children of 16 years. They are sophomores in high school.

The thirteenth child of Ralph Morris died in infancy.

The second child of old Samuel Morris is Paul, who married Eva Stephens, by whom she had 1 son, Thomas. Paul and Eva separated, and she married a Murray. Paul is now blind and lives with Herschel Morris, a son of John. Paul is 68 years old and has the appearance of a man of 80. He has a marked tremor, a high squeaky laugh, is easily excited, and reacts by weeping or laughing at everything said. His psychotic tendencies are marked.

Thomas Morris, child of Paul, was born in 1889 near Stonetown. When a small boy he was badly frightened by

a mad dog, and it is said that he was always nervous after that time. He stopped school at 14 years of age and at 25 was sent to the Southeastern Hospital for the Insane where his case was diagnosed Dementia Praecox. He was discharged in 1916 and went immediately to his father who at that time was in Missouri. Two weeks later he became violent and was sent to an insane hospital in that state where he is at the present time.

Mose, the third child of Samuel Morris, is feeble-minded. He inherited a large estate from his father, of which there has been nothing left for years. He can neither read nor write; he has always been ready to fight; he cannot make a living and has never been able to do so. While his father lived and for a short time afterwards Mose and his family lived well, but he has never been able to make any money of his own. The farmers will not pay him more than 75 cents a day for his work because he will not keep at it unless someone watches him. He cannot count money, make change, or tell the time of day by the clock. His wife, Ethel Burns, will be discussed as 1 of the children of Harmon Burns. Mose and his wife are the children of half-brother and sister. They have 5 children, none of whom were visited. Beula, one of the daughters, married a Stevens. Lucille married George Adams, Clara married Benjamin Guinn, Frank was committed to the Southeastern Hospital for the Insane in 1918 where he has a diagnosis of Dementia Praecox. Robert is married and lives at Indianapolis.

Samuel, the fourth child of old Samuel Morris, was born in 1872. He was never bright, was easily agitated, extremely alcoholic, licentious, and easily insulted. His mental dullness was more marked after puberty. He was accused of stealing several times and was never known to work. He was very profane and in young manhood he took great delight in breaking up public meetings, religious and social. In 1888 he was committed to the Central Insane Hospital after attempting suicide. In 1910 he was transferred to the Southeastern Hospital, where he is at the present time. The family thinks that masturbation from earliest childhood was the cause of his trouble.

John Morris, the fifth child of Samuel, is a well-respected farmer in Township 5. He is quiet in manner and never

had any trouble with his relatives. He married a Keely girl, the daughter of Lloyd Kelly and Nora Booth. She is the grandchild of Emma Burns, and he is the son of Mary Burns, making him her half-uncle. She is an excellent housekeeper, and he keeps the farm in fine order. Mrs. Morris is troubled with an involuntary closing of her right eye. She says that the muscle and nerve are weak. It will sometimes close tight for 5 minutes and then involuntarily open. It is most likely to close when she is tired or excited. They have 8 children: Herschel, Rufus, Mildred, Nick, Phoebe, Nellie, Marcus, and Sarah.

Herschel, first child of John Morris, lives on a farm adjoining that of his father. His worst fault seems to be that of lying. His wife, who was Christine Clark, a school-teacher, is intelligent and has 3 bright-looking children. The home is well cared for.

Rufus Morris, second child of John Morris, married Rebecca Walker, daughter of James Walker. He is considered one of the best rural school teachers in the county. He has 2 small children, Guy and Byron.

Mildred, third child of John, was not seen. She works in Stonetown as a domestic. Until recently she has suffered with some form of chorea.

Nick Morris, fourth child of John, married Alta Brown. Nothing more is known of him.

Phoebe, fifth child of John Morris, married Claude Walker, son of James Walker, by whom she has 3 children; Harmon, Mary, and Nancy. According to her family, she has been insane for 4 years, her mental trouble beginning when her first child was born. She threatens to commit suicide, to murder her children, to cut her husband's throat, and she imagines that people are pursuing her and that she hears voices. The family thinks that she will recover in time and refuse to send her to a hospital.

Harmon, the oldest child of Phoebe, has had convulsions for 18 months. The family physician fears it is the beginning of epilepsy.

Nellie, the sixth child of John Morris, is 16 years old. She graduates from the eighth grade this year. She seems normal.

Marcus, the seventh child of John Morris, is 18 years old. He was not seen.

Sarah, eighth child of John Morris, is afflicted with some form of chorea. She would not come into the room, but the mother told the field worker that she jerked involuntarily as Mildred formerly did, and she was afraid she would be like her Aunt Belle Bruce. She is in school, but, according to the statement given by a neighbor, she does not learn very fast.

Wilbur, sixth child of Samuel Morris, was the first-born of Annie Burns. He was born before Samuel compelled Mary to leave him. Wilbur married a Polk, who was licentious both before and after marriage. She was too intimate with Robert Morris, her brother-in-law, which fact caused much trouble in the Morris family. Wilbur suffered from chorea. Early one morning he, with his brother Robert, his nephew Herbert Morris, and a cousin, went to the home of Clyde Borden with whom they had a standing feud. They were armed with guns and whips. The only thing that saved Borden was that Wilbur and Robert were so badly afflicted with chorea that they could not take aim. Borden opened fire on them, mortally wounding Wilbur and severely injuring Robert. The court made a conspiracy charge out of the case, and Borden was acquitted of murder. Wilbur had 2 children: Glen, who is now living, and a girl who died in infancy. Wilbur's widow recently married Bill Samson.

Belle, the seventh child of Samuel Morris, was one of the worst cases of Huntington's chorea ever received at the Southeastern Hospital. She was born in 1866 in Township 5. She attended school until she was 16 years old, at which time she married Harold Bruce. For many years she helped care for her insane choreic mother (Annie Burns) and overworked. She imagined that people were trying to wrong her, would throw herself on the floor, scream, and cry. She threatened to kill, to burn the house, and to kill herself. She was committed to the Southeastern Hospital for the Insane on June 20, 1916, and was furloughed September 6, 1916. She was returned 1 month later.

Belle has 1 child, Ralph, who married a Kirtly. He was not visited.

Gerald, the eighth child of Samuel Morris, lives at Indi-

anapolis. He first married a Baugh, whom he divorced. By his second wife he has 3 children. Before his marriage Maggie O'Brian had an illegitimate child by him, George O'Brian. When he refused to marry her she became unbalanced mentally, and 12 or 15 years later she was sent to the Southeastern Hospital.



Mrs. Herbert Morris, baby, and step-mother.

George O'Brian, the son of Maggie by Gerald Morris, is large, strong, and healthy. He is very quarrelsome, alcoholic, and licentious. He has always refused to do anything to help his mother and would not support his wife, from whom he is now separated. She was Flossie Kelley, of Township 5, and distantly related to her husband by blood ties. George has served sentences both in the Indiana School for Boys and in the Indiana Reformatory.

Robert, the ninth child of Samuel Morris, married Sallie Fry, by whom he had 6 children: Herbert, Minnie, Albert, Della, Bessie, and Edith. Robert was alcoholic, licentious, and had the crazy temper which is characteristic of the Morris family. He, too, suffered from chorea, and after he was shot by Borden his choreic movements became very violent. His disease was first noticed when he was 33 years old. At the



Mrs. Lloyd Faris.

age of 43 years, within a year after the Borden episode, Robert took poison. He left a fairly good farm on which his widow still lives. Mrs. Robert Morris is an ignorant woman but shows fairly good business sense in her deals. Her home is wretchedly kept, is dirty and sparsely furnished.

Herbert, first son of Robert, is a high-grade moron of 28 years. Like his relatives, he is high-tempered, nervous, and quarrelsome. Several years ago he tried to kill himself

by swallowing paris green but was saved by the doctors. He was with his father and uncle in the Borden scrape. It is said that he will steal, lie, or fight with only half a chance. He married a daughter of Lloyd Faris. He is said to be very abusive toward her, knocking her down, etc. It seems that she can take care of herself, for he often appears at his work with long scratches on his face. He is a farm tenant on Paul Johnson's place in Township 4. Mr. Johnson says that he is a good worker.

Mrs. Herbert Morris has always been high-strung and irritable, and since the birth of her last child has been decidedly unbalanced. She has attacked her husband several times without provocation. Once she took her baby to the creek and tried to drown it. She has threatened to kill herself a number of times. She has 2 small children.

Minnie, second daughter of Robert Morris, married a Trent.

Albert, third child of Robert, is 26 years old and runs the farm for his mother. He is said to be a good sort of a boy.

Della, fourth child of Robert Morris, first married a Beard, whom she divorced to marry John Guinn. She is now separated from John and is in Stonetown where she is one of the low-class prostitutes of the town. (Shortly after the writing of this history, Della was committed to the Southeastern Hospital for the Insane, and received a diagnosis of Huntington's chorea.)

Bessie, fifth child of Robert Morris, is 14 years old and in the eighth grade in school. She barely does average work in school which fact may be due to a poor physical condition. She has a bad throat and lungs and almost every year suffers an attack of pneumonia or cold.

Harmon Burns was the second child of the old prostitute who is the common ancestor of this group. His father is said to have been a man named James Brown. At one time the Browns were noted counterfeiterers in the neighborhood. Harmon's children sometimes go by the name of Brown as well as that of Burns. He married a Kelley and has 3 children that we know of: Ethel, who married Mose Morris; Rose, the wife of Ike Booth; and Annie, the second wife of Samuel Morris. Harmon was insane for a number of years before

he died, according to the statement of his daughter Ethel, who says that he trembled and shook like Belle and Wilbur, besides imagining that people were chasing him and that bugs were crawling over his body.

Annie, the oldest child of Harmon Burns, was mentioned in connection with her husband, Samuel Morris. She was licentious, and in later life was afflicted with chorea. Old neighbors say that she was even worse than her daughter, Ellen Bruce, who is a bad case of Huntington's chorea in the Southeastern Hospital. Her 4 children, Wilbur, Belle, Gerald, and Robert, were discussed along with the other children of Samuel Morris. It is interesting to note that 3 of the 4 were afflicted with Huntington's chorea.

Ethel, second child of Harmon, is feeble-minded and almost blind. She can now barely distinguish between night and day with her left eye, and is entirely blind in the other one. She says that she lost the sight of her right eye 29 years ago as the result of an acute attack of neuralgia. At 18 years of age she married Mose Morris, who was the son of her paternal half-aunt and the step-son of her sister Annie. By him she has 5 children, who were mentioned along with their father Mose. Ethel can neither read nor write; she says that she did not have to go to school when she was a girl. She says that she could not make change before she lost her sight, and that her husband always has to have one of his neighbors count his money. She took quite a liking to the field worker, whom she informed that her boy who was not married was very pretty and that she would like him. She insisted that the worker stay until he returned to the house, and went on to say that if she would marry him it would be such a help to the family as she was probably making as much as \$10 per month and the family could almost live on that sum. It did not seem to occur to her that the girl might not care to marry her son.

Rose, the third child of Harmon Burns, married Rex Booth. The number of their children is unknown. Two of them were named Horace and Arthur. Arthur married a Buskirk and lives in Stonetown. He has 8 children, 1 of whom is Mary, a school child with an I.Q. of 66. She is characterized by the person testing her as being discouraged by the least failure, not interested in the test, very emotional,

and a child who did not weigh answers, either gave what she considered the correct answer or said that she did not know. She has a sister, Mildred, 2 years younger, who has an I.Q. of 72. The child was doing very poorly in school, was dirty and poorly dressed, according to the person doing psychological work. The home care received is very poor. The father, Rex Booth, earns only \$12 a week, with which he could not be expected to support a wife and 8 children in comfort.

The third child of the old prostitute who married the Burns was an insane idiot according to the evidence given by old settlers. He was crazy, could not talk, and was dangerous to have about as he insisted upon tearing things into shreds. He was kept in a pen which was put outdoors in summer and moved into the house each winter. Food was shoved thru to him on a pie pan. He was a middle-aged man when he died.

Emma, the fourth of the Burns tribe, married Glen Kelley. Their children, as far as we know them, are: Polly, who married Charley Walker; Silas, who married Nora Booth, the child of Glen Booth; Arnold, who killed himself; Irvin, who is now in the Southeastern Hospital for the Insane; Mrs. Hetty Grey, Forest Kelley, Lola, Russel, and Elmer Kelley. Nothing is known of Emma except that she lived to be 105 years old. Her husband was a brother of the wife of Harmon Burns. He died of tuberculosis.

Polly, the first child of Emma Kelley, married Charley Walker, by whom she had 10 children: James, Matt, Sam, Oscar, Reuben, Katherine, Alma, Stella, Denis, and Nora.

James Walker, first child of Polly and Charley, is a respected farmer of 68 years living in Township 5. He is prosperous, quiet and inoffensive in manner, hospitable, and an entertaining host, well-informed on current events, says that he has the finest neighbors in the world, and worships his family. He married Nellie Hazen, a cousin of Mrs. Robert Johnson of Township 4, already described as a feeble-minded woman. James has 6 children: Olive, Pearl, Rebecca, Claude, Norine, and Thomas.

Olive married George Inman and lives in the West, where he is a farm tenant. They have 3 children.

Pearl married William Booth, a country school-teacher,

by whom she has 3 sons. Pearl is well informed on current events and is an excellent housekeeper. She was a teacher before her marriage.

Rebecca, the third child of James Walker, married Rufus Morris, son of John Morris. They have 2 children, Guy and Byron. Rebecca is a good housekeeper and mother. She, too, was a teacher before marriage.

Claude, fourth child of James Walker, married Phoebe Morris, by whom he has 3 children, who, with their insane mother, were described in that part of the history dealing with John Morris.

Norine, the fifth child of James Walker, was born in 1889 in County H. She was a jolly young girl who enjoyed her school, Sunday School work, and her friends. She attended Danville Normal School and there met Virgil Davis. She married him about 6 months later and then discovered that she did not love him. He took her to live in an isolated country district in an adjoining county where she was very much dissatisfied. Her new home was between two large hills where no one ever passed, and it was impossible for her to attend church because of the distance. She missed her former friends and activities very much, and no longer loving Virgil, began to create a world of phantasy. The dislike for her husband was increased by knowing that he was facing a paternity charge in another county at the time he married her. He acted in an irritable, mean manner toward her. When the first child was born he took no notice of her condition and refused to send for a physician until it was absolutely necessary. Her child died in about 5 weeks, while it could have been saved if a doctor had been called. This she could not forgive. She grew moodier as time went by, and when her second child was born refused to claim it. About this time she began making the wild statement that she was not married to Virgil, but that he was forcibly detaining her in his home. She also stated that her rightful husband was the Crown Prince of Germany, by whom she had 3 children. At last Virgil sent her to her father's home, from which place she was sent to the Southeastern Hospital on April 30, 1916. She was furloughed September 29, 1917, and taken by her father to her husband's home. She stayed a few days and then came back to her father's home. She accused her parents

of various crimes and she walked to Stonetown where the authorities arrested her. She tried to have her father arrested for some terrible crime and believed she was being held in jail as a witness against him. She was returned to the Hospital on December 20, 1917. Her diagnosis is Dementia Praecox.

Thomas, sixth child of James Walker, married Jessie Pence, from whom he is now divorced. Nothing more is known of him except that he has 2 small children.

Matt Walker, the second child of Polly and Joe Walker, is in Missouri where he is now serving a sentence for criminal assault on a small girl.

Sam, Oscar, and Reuben, the third, fourth, and fifth children of Polly, live in the West. Nothing is known of Caroline and Alma.

Stella, the eighth child of Polly and Charley Walker, married William Rees and lives at Toronto. They have 8 children, one of whom married into the Martin-Pryor group and another into the Ham-Kysar group.

Nothing is known of Denis and Nora, the ninth and tenth children of Polly and Charley Walker.

Roy, second child of Emma Burns Kelley, married Nora Booth, the child of Glen Booth. They have several children, only 1 of whom was visited.

One daughter of Roy and Nora married John Morris, and her children are discussed in the section devoted to him.

Arnold, third child of Emma Burns Kelley, was insane. His niece, Mrs. John Morris, says that he was worse than Irvin. He committed suicide by jumping into deep water where he drowned.

Irvin, the fourth child of Emma Burns Kelley, was born in 1875 in County H. He had very little schooling. He is married and has 1 son, Homer, who lives in Township 5 north of Stonetown. His psychosis began with imagining that he was very sick. He used up all his ready money in doctor bills, and later became very irritable and wanted to fight. He imagined that there were things crawling over him and once nearly drowned himself by jumping into the creek to get rid of them. He was sent to the Southeastern Hospital on September 13, 1916, where the diagnosis of Recurrent Mania was made.

The 5 younger children of Emma Kelley were not seen. Elmer, the youngest, lives 4 miles northeast of Kline, a tiny village or settlement in Township 5.

The fifth child of the old prostitute was Mrs. Donald Bruce. Nothing was learned of her except that when she was angry she would get an armful of sticks and take great delight in breaking them over any tree or fence that was handy. Two neighbors say that she was crazy, but the evidence is hardly sufficient to verify the statement. None of her descendants was visited.

The remaining children of the old prostitute died of tuberculosis without marrying.

Summary

In the Morris-Burns group, insanity, one-half of which is Huntington's chorea, an unstable, emotional make-up, which for the most part manifests itself in the form of uncontrolled temper along with feeble-mindedness, and a choreic tendency among the younger generation, mark the family as one from which the State Hospital for the Insane may expect to receive more patients, and one which will in the future furnish the makers of our community problems.

Many members of this group were not visited and remain unclassified, but there are enough studied to show the tendency of the family. Of this family, 12 are, or have been, insane during their lifetime; of this number one-half of the cases have been Huntington's chorea; 3 others have possibly been insane but the evidence is insufficient; 3 have suffered from what the family said was the same disorder as the older generation, but which is probably different as there has been no mental deterioration, and they at times seem free of the malady; 12 are feeble-minded, and running thru the family is an uncontrolled temper which is common, more or less, to the whole group.

4. The Jones-Smith-Brown-Williams Group

About 1793, William Brown was born on Goose Creek, Ky. About the same time Sallie Stevens was born in Tennessee. Both families, 15 or 20 years later, started to Indiana, the Browns settling in the southern part of the state and the Stevens family coming on to settle on the western

boundary line of County H. Sallie did not come all the way with her parents, but married William Brown and settled near by his parents. To them were born 8 children: Margaret, Agnes, Sadie, James, Oscar, Dorothy, Mary, and Charles. While these children were quite small, William and Sallie moved north into the same neighborhood where lived their relatives. This district is the one now called "Possum Holler" or "Jones Holler". Nothing is known of the mental status of William and Sallie.

Their first child, Margaret, married Sam Williams, the son of another newly-arrived family from Kentucky. By him she had 4 children: Jane, Pauline, Mattie, and Goldie. Sam died, and Margaret married Emmett Jones, by whom she had 4 children: John, Daisy, Louis, and Albert. Emmett died in 1915, and Margaret, now 87 years old, lives with her daughter, Goldie Smith Jones. She is unable to move out of her chair and has lost the power of speech. She sits in her chair day after day and watches her granddaughters prostitute. She is proud of the fact that so many men seek them. It is said that she herself was once a notorious character. An old lady who has always lived near them says that Margaret never was bright and that when younger she was a dirty, filthy housekeeper. Her children grew up uncared for. She could never make change, read, nor write.

Jane, the first child of Margaret, is a high-grade moron, 51 years old. She is married to Sol Johnson, by whom she has 8 children. Mrs. Johnson is illiterate, has a speech defect, defective memory-span, and poor comprehension. She is not sure as to whether Zella or Minnie is the older of her children.

Minnie, the first child of Jane, is 31 years old. She has a mental age of 7 years, 8 months. When she left school at 12 years she had reached the third grade. Her first husband, whom she married at the age of 15 years, was a Harding from an adjoining county. He was an itinerant Holy Roller preacher. She divorced him and he kept the only son. She then married Peter Jennings, by whom she has 3 children: Jonathan, Martha, and Ellen. Peter lives with her spasmodically. For the past 4 years his brother Frank has been the man of the house for the greater part of the time. Peter says that the 2 younger children belong to Frank. Frank does not deny this, and now that he is in the service has

made an allotment to Minnie and the 2 younger children. Jonathan, the older child, is feeble-minded, having an I.Q. of 56.

Zella, the second child of Jane Johnson, 29 years old, is feeble-minded. Her mental age is 6 years, 4 months. When 18 years old she married John Hays, a feeble-minded man of Slack descent. By him she has 5 small children, 2 of whom are feeble-minded and 3 others very inferior. Zella has a marked speech defect, adenoids, a negroid nose, shuffling walk, slump, and a perpetual grin. She cannot keep her house and knows scarcely enough to get her clothes on straight. Her children are Charlie, Joseph, George, Homer, and Chester. The 2 older boys, who are feeble-minded, are dull-eyed, chuckle-headed boys of 9 and 10 years, respectively.

The third, fourth, fifth, and sixth children of Jane Johnson were not seen. Gerald and David, the 2 younger ones, are normal.

Pauline, the second child of Margaret, married Harmon Jones. She is a high-grade moron, friendly, lazy, garrulous, and suggestible. She has 5 children: Stella, Peter, Charley, David, and Leonard. David is not considered bright. He was taken by the draft board and kept at Camp Shelby where he complained of being allowed to do nothing but dig and scrub. One day he decided to come home, and, as he could not get a furlough, he came without one. He was arrested as he stepped from the train and wondered greatly how the word had reached Stonetown so quickly that he had deserted. A neighbor says that he always did do the most fool stunts of any one in the country. He is married to Vera Black, a second cousin. She is a notorious prostitute. Peter, Charlie, and Leonard were not seen. Stella is dead.

Goldie, the fourth child of Margaret and Sam Williams, is feeble-minded. She was born in 1865 in the southern part of Indiana. When 16 years old she married Oscar Smith, a feeble-minded man who lived in County H. To them were born 8 children, not counting 3 miscarriages. In 1903, Oscar and Goldie tired of each other about the same time that Homer Jones and his wife, Fannie Jackson, were on the outlook for new partners, so a trade was effected. At first they agreed to trade even, but later, Homer Jones, finding that he had been cheated in Goldie, demanded that Oscar give him a cow to make the trade a little more fair. It seems that even

the cow could not make Homer satisfied with his end of the bargain, as he soon went West—alone. Oscar had by this time been driven off by Fannie's grown children and in due time wandered back to the husbandless Goldie, with whom he still lives irregularly. Goldie is alcoholic, dirty, licentious, and syphilitic. She and her daughters live in a two-room shack in the west end of town, about which there is always a crowd of licentious males. The place is filthy and very crowded. Living with her are Margaret, her mother; her daughters, Daisy and Nellie; her son Otto; and Mabel, the child of Russel Smith.

Oscar Smith is feeble-minded, alcoholic, and licentious. He never worked regularly; as soon as he has earned a few dollars, he quits his job. What money he earns, he does not show good judgment in spending. It was impossible to test him by the complete scale, but he missed the point to the absurdities, did not know the date, cannot count backward, has a memory-span of only 5 digits, and can neither read nor write.

Mrs. Lucy Owens, the oldest child of Oscar and Goldie Smith, is a high-grade moron, alcoholic and licentious. She has been treated for both gonorrhea and syphilis. She has never commercialized her vice so far as is known but is intimate with all, both white and colored. She has 2 children, a girl who died in infancy and an 11 year-old boy. Hugh Owens, her husband, is an alcoholic man, 52 years old, who married her while drunk. He is far above her mentally and socially. He is very nervous and flighty at times. He has a fine tremor and has suffered severe attacks of delirium tremens. Diagnosis: Borderline Insanity.

Paul, the second son of "Old Goldie", was not seen.

George, the third child, is feeble-minded, alcoholic, and licentious. He now lives in O. County with his wife, Gladys Park, who is also his step-cousin. They have 1 child, Grace. He can neither read nor write, and according to a physician is syphilitic.

Otto, the fourth child of Goldie, is a feeble-minded man of about 40 years. He is a low-grade imbecile who can scarcely care for himself. He has always been a paralytic with speech and motor coördinations of lower limbs seriously impaired. It is possible to get his attention, but the jargon which follows as a response is unintelligible.

Simon, the fifth child of Goldie, is unknown.

Hazel, the sixth child, is feeble-minded, and like her sister is alcoholic and licentious. She first married James Sandy, by whom she had 1 child who died in infancy. She has since married twice, her last husband being Floyd Payton. He is from a better family than that of Hazel, but is a confirmed alcoholic. Hazel is at the present time taking treatment for a venereal infection.

Daisy, the seventh child of Goldie Smith Jones, and Nellie, the eighth, are both feeble-minded, alcoholic, licentious, and syphilitic. They are 21 and 19 years old respectively. They live with their mother, and along with her they spend most of their time prostituting. They do not commercialize their vice, but someone of them washes every day to make enough money to keep the wolf from the door.

Before continuing the story of the Brown family, the paternal ancestral history of Goldie Smith's children will be outlined.

Oscar Smith was the son of Russel Smith Sr., a lazy, alcoholic good-for-nothing fellow who is said by those who remember him not to have been worth powder and lead to blow him up. By his wife, Mary Hudson, he had 7 children: Oscar, Russel, Ira, Sarah, May, Lillie, and another daughter whose name we do not know.

Russel, the second child of Russel Sr., born in 1876, is a low-grade moron living in Stonetown. He can neither read nor write, altho he attended the country school for 2 or 3 sessions. He has never worked regularly, and the only time he has ever lived comfortably was soon after he married Bertha, the daughter of Grant Park, and lived on a fifteen-acre farm given her by her father. With the farm, went 2 horses, 1 cow, and 2 pigs. This wealth vanished in about a year, and Russel moved to town. He does odd jobs about the livery stable, cuts wood, and tries hard to dodge all other kinds of work. He probably has never made more than \$5 per week. His wife died July 11, 1913, leaving Russel with 4 children: Charlie, Frank, Eliza, and Mabel. He took such poor care of them that the neighbors complained, and the Board of Children's Guardians investigated. Before he would consent to allow the children to be taken to an institution, he asked the Board to allow him to keep them on condition

that he marry and make a home for them. He then tried to marry Florence Kite, an imbecile of nearly 35 years, but members of the Board of Guardians would not permit the marriage. He then tried another woman but was not successful. Only then did he consent for his daughters to be taken to the institution. The boys were to remain with him. The girls had been in the Home only 2 weeks when Russel went to Knightstown and took them away. The matron wrote the local Board that she was glad that he had taken the children for they were feeble-minded and should not be in that institution. The 2 boys are now staying with their father, Eliza is with a family in the country, and Mabel is with Goldie Smith. In the summer of 1918, Russel saw Martha Foster, a low-grade imbecile, and had his niece Nellie Smith entice her to the home of Lucy Owens. He says that he loves her and will marry her. (See Martha Foster history.)

The 4 children of Russel Smith are feeble-minded.

Ira, the third child of Russel Smith Sr., lives on a farm west of Stonetown with his wife, who was a Dunham. He has always been considered as being an upright man but as not having much gray matter.

Sarah, the fourth child of Russel Smith Sr., was a feeble-minded prostitute who worked as a domestic in Rockton for many years. She finally married Sam Miller.

May, the fifth child is unknown. She married a Park.

Lillie, the sixth child of Russel, is feeble-minded. She first married Grant Park, a widower with 6 children. After bringing 6 more into the world, Grant hanged himself, a deed which a physician jokingly said was the only bright thing he ever did. Two of his daughters by his first wife married Russel Jr. and George Smith. Another became the second wife of Harmon Jones. After the suicide of Park, Lillie married John Myers, an old soldier. She has no children by him. One physician states that all her children are feeble-minded. None of them was seen by the field worker except Kate, who married her step-brother, Ralph Myers. She has 2 children, the older of whom is feeble-minded. The other daughters of Lillie are reported as prostitutes by a physician.

The seventh child of Russel Smith Sr. is unknown.

Russel Smith Sr. had a sister who became the wife of Herman Acre, one of the leading citizens of Rockton. He was

one of the most influential citizens in the county at one time, and his family has always been one of the most highly respected in his community. No one has ever been able to understand why he should want to marry a Smith, for she had nothing to recommend her but a pretty face. By her, Herman had 4 children. These have done well, none of them showing the Smith characteristics excepting Isabel, who had 1 illegitimate child. Elmer, the oldest son, married and had 2 children. Of these, Emily is the interesting one. She has been well reared, is the organist in her church, has a high social position in her community, and is probably given more spending money than any other girl in her home village. She evidently has not succeeded in her school work as well as she might have done as she has only in the last year finished her high school course at the age of 21. Her mother's father is insane—senile dementia—and he had a brother who for the last 10 or 15 years of his life was a menace to the womanhood of his neighborhood. On the paternal side, there is nothing bad except the Smith grandmother.

For a number of years, Emily has been telling other high school girls wild tales of illicit sex relations with a large number of boys. She even goes so far as to write notes in school telling of actions which no normal-minded girl would care to put on paper. The field worker saw some of these notes which her schoolmates had taken to their homes. The boys mentioned do not deny the truth of her statements but talk very freely of her about town. The leading physician of the town says that she has ruined almost every immature boy there, and that everyone knows of it except her parents. As they are the wealthy people of a small town, no one cares to tell them. She has been classified by the field worker as an "unstable moron" altho she is not a clear-cut case of either feeble-mindedness or insanity. She has a sister in the graded school who was pronounced feeble-minded by the physician.

It will be remembered that after the death of Sam Williams, Margaret Brown Williams married Emmett Jones in about 1868. He was probably the best one of the Jones family. He could read and write. At one time he owned 40 acres of land near Solton and was able to make a good living for his family. During his last year he was often the recipient of poor relief from the Charity Organization Society. His children by Margaret were John, Louis, Daisy, and Albert.

John, the first child of Emmett and Margaret, married Sallie Hall, his second cousin, by whom he has 3 children: Della, Theodore, and Elsie. He lives in a little two-room log house in a big hollow 2 miles from any road. To reach the place it was necessary for the field worker to lay down 3 rail fences and to lower the buggy top when following the tie road which led to the place. The brush had grown up over the road and the trees hung over so low that it was apparent that nothing had passed that way for some time. The house, along with the home of Harmon Jones, nestled down at the foot of a long hill in a spot where people seldom pass. The house was clean as a new pin as was Mrs. John Jones herself. They owned a few pigs, a cow, a mule, and have enough ground to raise feed for them. When farm duties are not pressing, John cuts ties for the railroad. Sallie is ignorant but not feeble-minded. John was not seen. Their oldest child, Della, married a Payton and was not seen. Theodore, the second child, from all reports is feeble-minded. He is in the service but is said to be good only for manual labor. He went only to the second grade in school. He deserted from the army along with David, the son of Harmon Jones.

Elsie, the third child of John and Sallie, is a middle-grade imbecile who is married to her father's double cousin, Curt Jones, with whom she lives 1 mile from Solton. She is a small, anaemic woman 26 years old with 5 little children, the youngest being only 6 weeks old. These children are poorly nourished and badly dressed. One of them had a sugar sack drawn about her neck and holes cut for her arms as her sole garment. The other little girls wore only slips which were open to the hem in the back and were fastened at the neck with safety pins. Elsie attended school for 8 years but cannot read or write. Because of a serious speech defect, it is almost impossible to understand her. Her mental age by the abbreviated scale is 4 years and 4 months. Her house looks as if it had never been clean, and it probably has not been since she moved into it. Her children will be described along with their father, Curt Jones.

Daisy, the second child of Emmett Jones, is not known. Louis, the third child, is not known except that he has the name of being alcoholic and licentious. Albert, the fourth child of Emmett Jones, married Angeline Hancock, a second cousin. She will be described with the Hancocks. Albert is

now working for a business man of Stonetown, doing odd jobs about his home for which he receives \$1 per day. He is a high-grade moron.

Before going further with the Brown history, now that all the descendants of Margaret have been mentioned, it will be well to give some of the early history of the Jones family, since they are so intermarried with the Brown family from this point on that one family cannot be discussed separately from the other.

The original Jones, original so far as we have their story, came from Kentucky and moved into the hills and hollows on the western boundary line of County H near the place now called Jones Hollow or Possum Holler. "Old Jimmie Jones" married a Hoosier girl by whom he had 8 children, the third one of whom was Emmett, who has already been described. Jimmie is said to have been half-Indian.

Walter was the oldest child of Jimmie. He has been dead for about 10 years. According to all evidence, he must have been feeble-minded. He is said to have been a strong, healthy man who never could learn to handle a horse. In a country and at a time when the horse was the only means of traveling and where almost every person owned one, it is strange to hear of a man who "could not learn to hitch or work one". Another citizen says that Walter was an industrious man when working with someone but was not worth a copper when working alone; he always depended on being shown what to do. Another old man when asked why Walter left his family so poor, said that he was not much of a manager and that it was all that he could do to keep them when he was a young man. Even then the neighbors often gave them things to eat. All this looks as tho Walter might not have been even a high-grade moron. He married Sadie Brown, the third child of William and Sallie Brown, and the sister of Margaret Brown Jones. She, too, is feeble-minded. Since the death of her son Lloyd's wife, she lives with him in a tiny log cabin on the hill above Possum Holler. She is a tall, skinny woman of 78 years with scanty hair and blue eyes. In her young days she was considered a woman to be feared, and in her old days her actions and talk are those of an insane woman. Without provocation, she threatens to kill, burn, or fight. When asked by the field worker concerning other members of

her group, she could say nothing too mean about the ones whom she did not like. Her face would become contorted with anger and her whole figure would tremble while she threatened to "slash them into ribbons" the next time she saw them. When her normal self, she was more or less incoherent, and when angered she fairly raved. Her comprehension is poor; everything has to be explained to her as simply as to a child.

Her oldest son, Lloyd, with whom she lives, is feeble-minded. Like his father, he has never learned to handle a horse. He is also illiterate. Sometimes he hires out to the farmers, but most of the time he works on the railroad, shoveling. The trustee of the township says that this is the only work which he can do well. His home is a tiny log house of 2 rooms. His wife, who was Jennie Sawyer before her marriage, died about 2 months before the visit of the field worker. She is said to have been a fairly intelligent woman. Her children are all inferior but could scarcely be called feeble-minded unless carefully examined.

The second child of Walter Jones and Sadie Brown died in infancy.

Roscoe, the third child of Walter and Sadie, born in 1882, is an insane imbecile at the Southeastern Hospital for the Insane. As a boy he was very backward and bashful according to his feeble-minded mother and could never be induced to attend school nor to marry. He showed no violent tendencies until after the death of his brother Walter. He was found trying to dig him out of the ground several times and showed a disposition to fight when interrupted. He rapidly became violent and was taken to the County Jail for safe-keeping. From there he was transferred to the County Poor Asylum where he was kept chained in the guardhouse for several years. He was committed to the Central Insane Hospital on July 22, 1902, and discharged August 22, 1904, as recovered. Then after another long period of years in the Poor Asylum, he was sent to the Southeastern Hospital, October 16, 1912.

Flossie, the fourth child of Walter Jones, married Dan Hicks and lives in the county adjoining County H. She was not seen.

Ollie, the fifth child of Walter Jones, married Glen Ellis and lives in Possum Holler. She was not seen but is said to

be feeble-minded by both the township trustee and the physician from that part of the county. Her oldest child, Josie, was seen at the home of the trustee where she was working. She is a quiet, industrious girl who has reached the fourth grade in school and "guesses that she wont go any more". One physician states that Ollie is immoral.

Walter Jones dropped dead when a young man.

Curt, the seventh child of Walter and Sadie, is the husband of Elsie Jones, the daughter of John and Sallie Jones, his cousins. He is a low-grade moron who lives rent free in a tiny one-room house southeast of Solton. He works for a farmer who pays him 75 cents a day and claims that he does not earn 50 of it. The family has always been in a half-starved condition, never having a plentiful supply of anything except children. In the winter of 1918, they were found, after the big snow, in bed in order to keep warm, and with no food in the house. Curt has a speech defect, his mouth hangs open, his feet shuffle, he snuffles, and his eyes are crossed. He can neither read nor write.

Ruth, born in 1910, is the oldest child of Curt and Elsie Jones. She is one of the most pathetic-looking children seen in the county. She is undernourished, pale, anaemic, cross-eyed, and apathetic. Altho past her eighth birthday, she cannot talk so as to be understood. Her mother says that she was a great big girl before she ever tried to talk. Her hands and neck were covered with large running sores. She has been in school 2 years and is only in the primer. The next 2 children in the family were plainly feeble-minded. They were dull-eyed youngsters who made one think more of little animals than of children. Lula was clothed in an old sugar sack drawn up around her neck with holes cut to permit movement of arms. Andy, the third child, was an apathetic, miserable-looking boy of 5 years arrayed in his father's overalls which did not seem to have been altered except in the legs, which had been cut off. The garment was held on by one "gallus" and a string. He wore no shirt nor undergarment. The attire of these children has been described not to add color to the picture but to show the lack of industry, pride, and ability in Elsie.

Second in the Jimmie Jones family came Laura, born in 1851, the wife of James Brown. James, born in 1839, is the

fourth child of William and Sallie Stevens Brown. James and Laura were both feeble-minded and alcoholic. He usually cut wood for their living. It is said that none of the family ever had enough ahead to keep them 2 days. At one time they and all their children were committed to the County Poor Asylum. Stella, born in 1866, the oldest child of James and Laura, married Nick Williams, a feeble-minded tramp, by whom she had 4 children, 2 of whom were born in a cave northwest of Stonetown. Some old furniture is still to be seen there. It was there that Nick finally died. Many of the older people can remember them as they tramped from one part of the country to the other. They owned an old pushcart in which they carried all their earthly possessions, including the babies when they were small. Their relatives when asked about them all say that they were "crazy". The Williams family claims that altho Nick was "silly", the boys "took after their mother". The Jones-Brown faction say that the boys are like their father; they even shamble over the ground "bear fashion" as he did.

Bob, the first child of Nick and Stella, born in 1882, is an insane imbecile. He has always been a nuisance to the community and to every institution in which they have tried to keep him. To begin with, he does not look like a human and does not act like one. He shambles over the ground like a bear, never standing upright. He has never had a home and does not want one; it is too confining. He has the annoying habit of crawling into people's woodsheds and barns without consulting the owners. He can often be found sound asleep curled up like a dog in the middle of the street or road. He will lie down anywhere at any time. He eats out of garbage cans or what folks give him; it is all the same to Bob. He is frequently arrested, but of late years the police, realizing that it is of no use, pay no attention to him unless he is destroying property. He is often sent to the Poor Asylum where he never remains long. On the first warm day Bob starts back to Stonetown. In 1905 he was committed to the Central Insane Hospital and 5 months later was discharged as "improved". He has since been in the Southeastern Hospital, from which place he escaped. He has been placed in several institutions but always leaves unknown to the authorities. The time he left Southeastern Hospital he walked through a

wet snow all the way to Stonetown. Twice he has been sent to the State Penal Farm for minor offenses. There he has to work, the one thing he hates to do more than anything else. When in town the men and boys torment him. If in a good humor, he will dance for them, but if angered he usually throws rocks with a vengeance. Smashing windows with rocks is the offense that usually lands him in jail.

John, the second son of Nick and Stella Williams, is another edition of Bob. It used to be that they were always together unless one happened to be arrested, and even this did not keep them long separated for there were plenty of



Esther Brown.

windows for the smashing of which he could rejoin his brother.

Arnold, the third child of Nick and Stella, is also feeble-minded but of a higher grade than his brothers. He is a moron who until the last year lived in Terre Haute with his wife and children, where he was an assistant janitor. He now lives in Stonetown.

The fourth child of Nick Williams died.

Esther Brown, the second child of James and Laura Brown, born in 1877, is an insane idiot in the Southeastern Hospital. Before her commitment on October 16, 1912, she had spent 10 years and 11 months in the County Poor Asylum.

There is no evidence as to whether she has deteriorated or has always been in her present condition.

June, the third child of James and Laura Brown, was feeble-minded, alcoholic, and immoral. Before her marriage she cut wood with her father and mother when they had to work. In her early teens she married Harvey Hancock, a feeble-minded, alcoholic, licentious man by whom she had 6 children. Harvey made her work, and until the time of her death she washed and cleaned for people. When Angeline, the oldest child, became large enough, she took her to help clean. June died of tuberculosis in the Salvation Hospital. By the Stanford Revised Scale, Harvey measures 9-4. After the death of June, all her children excepting the oldest, Angeline, were sent by the Board of Children's Guardians to the Indianapolis Orphans' Home. The grandmother Hancock kept Angeline. At first they all lived together. Then there was some sort of trouble, and Mrs. Hancock with her daughter, Bonnie, moved out, leaving Angeline with her father. It is said that the home was badly kept. The Charity Organization Society secretary once went there and found chickens roosting on the bed. Neither Harvey nor his daughter worked but went thru the streets begging. The money they received was spent for whiskey. Harvey was finally arrested for rape on his daughter and given a long prison sentence.

Angeline left Stonetown after her father's sentence and went to her grandmother in a northern county. She already had a notorious reputation. She returned to Stonetown and married Harry Gilmore, the feeble-minded son of Harry Sr., who was murdered a few years ago. Harry and his bride lived together only about 3 weeks. She then went to a neighboring county seat, where in a short time she was arrested for disorderly conduct and placed in a home for wayward girls. In December, 1916, she came back to Stonetown and tried to persuade Harry to withdraw his divorce suit. He refused, and she applied to the authorities for help. It was then discovered that she had run away from the Home in this county seat, and she was returned to that place. She came again to Stonetown as soon as she was free to do so. Since then she has been in jail a number of times. She is now married to Albert Jones, the son of Emmett and Margaret. They live in a little house owned by the man for whom Albert

works. He earns \$1 per day besides his house rent and many small gifts for doing odd jobs for his employer.

John, the second child of Harvey Hancock and June Brown, was taken from the Indianapolis Home by a family in the northern part of Indiana. He became dissatisfied and ran off, coming to his father in Stonetown. He secured a job in the factory and made \$2 a day while war prices were being paid. He soon became tired of making so much money (or for some other reason) and left to cut wood with his father. This he did irregularly until he was called by the draft board in 1918. He passed the Local Board but was returned from camp as being incapable of following orders. He and his father live together in one room of a house in the west part of town. They frequently have to have help from the Charity Organization Society.

Miriam, the third child of Harvey and June Hancock, 20 years old, is still in the Indianapolis Home awaiting transfer to the custodial department of the Training School for Feeble-minded Youth. She is said by the matron to be able to do only the simplest tasks.

Ione, the fifth child, has been adopted by John Moore, of County H. Her mental status is unknown. Nora, the fourth child, is dead. Zebedee, the fifth child, 18 years old, is still in the Home. He is not considered placeable.

Caroline, the fourth child of "Old Jimmie Jones", married Oscar Brown, the fifth child of William and Sallie Stevens Brown. They live in an adjoining county and were not seen.

Dorothy, the sixth child of William and Sallie Brown, married Sam Stevens of Possum Holler, a cousin once or twice removed. They live in the adjoining county in a small village which is almost on the line. She is pronounced feeble-minded by a competent physician. She has 3 children. The first is a feeble-minded girl who has 2 illegitimate children. The second daughter married a Fish by whom she has a number of children, the oldest being Homer. He is feeble-minded. The third child of Dorothy is Charley, a feeble-minded criminal. He has served a sentence for arson. Homer, his accomplice, was acquitted.

Mary, the seventh daughter of William and Sallie Brown, married Herbert Rees, of Possum Holler. She is dead.

Charles, the eighth child of William and Sallie, married a

cousin, Josie Stevens, by whom he had 4 children. She died, and he is now married to May Cates. He is a Holy Roller preacher.

Both of the wives of Harmon Jones with their children have been mentioned, for they, too, belong to this group. He lives on a little farm that he owns in Possum Holler. It is very poorly kept. He is barely self-supporting and often says that he has never been lucky like other men. He knows money but says that other men invariably cheat him when there is any occasion to make change. He is a tall, skinny, be-whiskered fellow who talks a lot but never says anything. In his youth he was a wild fellow, addicted to both drinking and licentiousness.

Homer Jones, a cousin to Emmett, Laura, et al., married Fannie Jackson, a feeble-minded girl in a highly respected family of her community. She was always considered "just a little foolish", and the family was glad when she was safely married altho she did marry a Jones. They had 7 children (some of them were grown) when Homer and his wife decided to change off partners with Oscar Smith and his wife, Goldie. This they did in 1903. When the neighbors made it uncomfortable for them, they were legally divorced and remarried. The result of the trade is told in another part of this history. Homer is now dead, and Fannie is living on the old place with 2 of her grown children and 1 little boy by her last husband. Her family feels disgraced but try to smooth it over by saying that "Fannie allus was sorto silly."

Summary

It has been seen how a large number of defectives have come from this group and how the most of them in the future can hardly escape being defective. As living conditions become more complex we can expect more difficulty in dealing with this family. Already society has been at a considerable expense in caring for members of the group. Since 1905 there have been 113 arrests in the family, causing an expense of \$429.70. By consulting the tables in the chapter on Criminality it will be seen that some of them have been arrested many times. Forty-two members of the group have received poor relief. Since 1901, \$1,393.49 have been spent in this way. Computing the cost at 40 cents per day, it has cost the

county \$2,698 to keep them in the County Poor Asylum for a total of 18 years, 9 months, and 25 days. Thus not counting relief from private sources and expense in keeping them in institutions other than those of the county, they have cost society \$4,521.19. Not only have they cost this sum, but, except the Acre branch of 6 or 7 members, no self-supporting members of society have been produced.

5. The Ripple Creek Group

Two miles east of Johnstown, huddled about the Ripple Creek schoolhouse, is the Allen settlement. None of the homes are more than 1 mile off of a good pike road and none are more than 3 miles from the railroad, yet the country has the wild, unsettled appearance of a district 20 miles from civilization.

The Allen history is not known very far back. They were in the county in the early days, having come there from Kentucky. Mrs. Catherine Smith, who is about 70 years old, says that her grandfather Allen came to this county a long time before the Civil War with his brother Joseph. This great-uncle Joseph had a son, Oscar, who was an epileptic. He was very much feared by his family because of his violent tendencies. Once he almost killed his father with a razor. He died when he was about 30 years old.

Mark Allen, the common ancestor of the Ripple Creek tribe, had 2 children of whom we have record. His son John married Bertha Keen of Township 9, by whom he had 6 children: James, Robert, Rachael, Catherine, Betty, and Claud. Mark's daughter married Chester Bell and founded the Bell branch of the family in the southern part of the township.

James Allen, the first child of John, was insane "off and on during his whole life", say his daughter and sister. He sometimes heard voices commanding him to do strange things. He wore his hair to his waist because the Savior wore His in that fashion when He was on earth. He was married 3 times. His first wife was Agnes Smith, by whom he had 1 child, Clara; the second wife was Jennie Brill, by whom he had 1 child, Mary; the third wife was Eliza Sample, by whom he had 5 children: Robert, Clem, Catherine, Bessie, and Dewey.

Clara Allen, the child of James by Agnes Smith, lives alone on Ripple Creek in a little one-room shack on a forty-

acre farm left her by her father. This ground she usually plants in corn, the proceeds from which she is said to spend for tobacco. The house is filthy dirty; the door has no hinges but is propped up from the inside, the chimney is a stove-pipe thrust thru a small window; one side of the foundation has caved in so that the whole structure tilts. The furniture is very scanty, consisting of a bed, a small table, stove, and 1 rickety chair. Here lives Clara alone in the summer and in winter accompanied by about a dozen chickens and 3 or 4 cats.



Clara Allen.

At the age of 15 years, Clara married Roy Clark, by whom she had 1 child, Annie. Roy refused to live with her because of her immoral tendencies. A few years later she gave birth to a son, Glen Buzziard. At this time she was at the County Poor Asylum. She refused to keep her daughter but left her to whosoever would care for her. Mrs. Robert Allen, a great-aunt, had her most of the time.

Clara is a well-known character for miles about her home, and one of the favorite expressions of the people is "crazy as Clara Allen". Young people go there in fear and trembling to have their fortunes told. Disobedient children are threatened with her. Clara, however, is a peaceably inclined old lady who attends strictly to her own affairs and expects others

to attend to theirs. She is 50 years old, according to her own statement, but from her rugged appearance it would be impossible to judge her age. She is very talkative, and at first one is inclined to believe that she is intelligent, but when her utterances are analyzed they are found to consist mainly of a steady stream of words which do not mean much. She believes in witches and goblins but says that the half-grown boys near her do more damage than either. She is of a very optimistic disposition; she says that she sees no reason why she should not laugh all the time since she knows that the good Lord will protect and not forget her.



Home from which Annie Luigi was committed.

Annie, the daughter of Clara, was born September 25, 1885. When a young girl she was immoral and contracted a venereal disease. She then went to Chicago to live with her Aunt Mary, who is said to be a practical nurse. There she was treated and supposedly cured. Mrs. Robert Allen says that Mary is a prostitute and has "lots of girls in the house with her". A part of the time in Chicago Annie spent working in a factory, cleaning bottles. As a child, she could not get along very well in school. She quit at the age of 13 when she had reached the second grade.

At the age of 22, she married Jim Luigi. He worked in a stone quarry part of the time and kept a "blind tiger" all the time. He was very good to Annie in his way, but his idea of goodness consisted mainly in getting her more beer when

she wanted it. For a year before her first commitment to the Southeastern Hospital, she was drunk most of the time. Sometimes she would refuse to comb her hair for 2 or 3 weeks at a time. One day Jim was talking about this in the little country store and said: "I tell Annie to comb hair and come home noon and she no comb hair. Next morning I tell her to comb hair and she no comb hair. Then I throw him down and put knee on him and comb him hair." Concerning his mother-in-law, Jim says, "When she comes, me no damn stay at home—she craz." Jim knew that Annie was immoral, so he would lock her up in the house with a case of beer when he started to work in the morning. She was once furloughed from the Southeastern Hospital but fell into her old habits of living and had to be returned. She has a positive Wasserman.

Nothing is known of Glen Buzziard, the illegitimate son of Clara Allen, except that his father was Henry Buzziard, one of the notorious alcoholics about town. He has been arrested 53 times for intoxication and peace disturbance since 1905. His in-and-out fees and board at the jail for these misdemeanors have amounted to \$151.70. Since prohibition in Indiana he is considered one of the best workmen in the quarry district.

Mary Allen, the child of Dave by his second wife, Jennie Brill, married a LeGrande, and all trace of her has been lost. For many years she was in Chicago where she did practical nursing, according to Clara. Her patients were all men who often took her with them to Florida, California, Canada, and other places. She is said to be very pretty and formerly was extremely immoral. All this looks as if she might still be licentious.

By his third wife, Eliza Sample, James Allen had 5 children. Robert, the first one, is married and lives in X. County. Nothing is known of him. Clem, the second child of Eliza, died of typhoid fever. Catherine, the third, died in infancy. Bessie, the fourth child by Eliza, died in infancy. Dewey, the fifth, is married and lives in X. County.

Robert Allen, the second son of John Allen and Bertha Keen, married Goldie Anderson, by whom he had 11 children. He is said to have been a good old man. Goldie, the widow of Robert, was born in 1860 in Township 9. She was the daughter of James Anderson and a Clark woman. The mother

of Goldie died insane. Her brother, John Clark, married Flora Evans and was the father of Rose Clark, an epileptic imbecile who died in the County H. Poor Asylum. Goldie married Robert Allen at the age of 16 years.

Goldie has had epileptic seizures for many years. The attacks are said now to be less frequent than formerly. Her daughter says that she once went for 2 years without having an attack. For several years she has been having only 3 or 4 each year. Her sense of morality is not very highly developed, for she allows Martha Bell to live in adultery with her son Ray in her home. Goldie is not very industrious and is satisfied with just enough to eat and to keep warm. She lives with Ray, Maud, and Julia in a tiny box house of 2 rooms east of Ripple Creek in the Allen settlement. The home is scantily furnished and very dirty.

Harry, the oldest son of Robert and Goldie Allen, is 41 years old. He is a high-grade moron, can read, write, and count a little, but cannot make the change required by Terman, missed the point to the absurdities, comprehension questions, ball problem, and could not count backward. He keeps up a stream of conversation but does not say much. He says that he intends to keep his children out of school in the future as the "teacher does not know nothin". He intends to teach them himself. Harry is very lazy and works only when it is necessary for him and his family to have food. He married Esther Hudson, a girl with a bad character. She had 1 child before marriage which is thought to belong to Harry. She is intelligent, neat, clean, but illiterate. Her father gave her 40 acres when she married, and now she makes most of the family living off of it. They live in a two-room box house every inch of which is neat and clean. It is rumored about that she is still immoral and untrue to Harry. All members of the family are zealous members of the Holy Roller church.

Paul, the first child of Harry and Esther, was born in March, 1906, before the marriage of the parents. He is 12 years old with a mental age of 9 years and 4 months. His I.Q. is 77. He started to school when he was 5 years old and is now in the fourth grade. He spent 3 winters in the first grade. His trouble seems to be inability to concentrate, according to his teacher. During his Binet test, in many cases he failed to answer because he would not listen carefully; his

attention was diverted by every sound and movement in the room.

Dewey Allen, the second child of Harry and Esther, was born in November, 1907. He is 10 years old with a mental age of 6 years and 4 months. His I.Q. is 62. He is in the third grade. During his test he seemed to be afraid to try and would hesitate before the simplest tasks. Like his sister he is subject to insane outbreaks of rage. He has a V-shaped arch, notched teeth, and is a mouth-breather. He steals everything he can.

Katie Allen, the third child of Harry and Esther, was born October 21, 1910. She is 8 years old with a mental age of 6. Her I.Q. is 72. This is her second year in school, and she is still in the primer. She has not yet learned her alphabet. Her teacher says that she is one of the most vicious children he has seen in his 37 years of teaching experience. Whenever she catches another child off guard, she will slip up from behind and hit her over the head as hard as she can. About 2 weeks before the visit of the field worker, she hit a smaller child so hard that she suffered from a severe headache for several days. Katie said that she was only playing with her. When crossed in any way or corrected by the teacher, her face looks like that of a demon. She is undersized, has a saddle nose and notched teeth.

Laurence, Sarah, and the baby are not yet of school age.

Sallie, the second child of Robert and Goldie Allen, died in infancy of croup.

Andy, the third child of Robert and Goldie Allen, is 35 years old. He married Margaret Field, by whom he has 3 small children. He is an unambitious, friendly, but quarrelsome man who can neither read nor write. He is afflicted with epilepsy which he thinks is heart trouble. He says that he has spells when his tongue gets stiff, his eyes glimmer, and in a few seconds he cannot see and his muscles stiffen. These symptoms are followed by a headache and a dazed feeling.

Fannie, the fourth child of Robert and Goldie Allen, married Walter Fultz, by whom she has 2 children, Carl and Cynthia. Fannie is neat and clean in person and surroundings. She works hard and is fairly intelligent. Her husband is a shiftless German who cuts wood for a living.

Carl, the first child of Fannie, is 13 years old with a mental age of 9-4. His I.Q. is 68. He is large for his age and very bashful.

Cynthia is very backward in her school work but has an I.Q. somewhere between 70 and 80. She plays normally. At best she is a low-grade normal. The other children are dead.

Alma, the fifth child of Robert and Goldie Allen, married her second cousin, Sam Allen. She was not visited.

Laura, the sixth child of Robert and Goldie Allen, died in infancy of scarlet fever.

Hettie, the seventh child of Robert and Goldie Allen, is a high-grade moron. She lives in a two-room shack, a room of which has fallen off the foundation. There was no furniture except a bed, stove, table, and 1 chair. A few turnips were piled up in one corner of the room with an open sack containing meal nearby. Hettie first married a DeLap by whom she had 1 child, Mary. Her present husband is Elmer Allen, a brother of Sam. His mental condition is not known. Mary is 8 years old and has not yet started to school.

Ray, the eighth child of Robert and Goldie Allen, is an epileptic. For this reason he was turned down by the selective draft board for army service. He lives at home with his mother. He is not married but is the father of the illegitimate child belonging to Martha Bell. He will not marry her because she is afflicted with chorea. However, she spends much of her time at his mother's home with him where they live together as man and wife.

Maud, the ninth child of Robert and Goldie Allen, is a low-grade normal. She lives at home with her mother. Julia, the tenth, is of normal intelligence.

Ellen, the third child of John and Bertha Keen Allen, married John Bird, by whom she had 5 children: James, Harvey, Josie, Homer, and Catherine. Both Ellen and her husband are now dead.

James, the first child of Ellen Bird, married a woman reported to be dull-witted, by whom he has 3 children: Ray, John, and Catherine. James is a slow, plodding day laborer. He keeps his family fairly well provided for. He is a low normal. He owns his home and 40 acres.

John, the first child of James Bird, is about 17 years old and very small for his age. He is not in school at the present

time but attended last year. He was in the third grade when he left, not because he was able to do the work but because he was too big to be in the first grade and could do the work of no other. He is now doing rough work in the neighborhood such as chopping wood, clearing ground, etc. He is a very quiet, unobtrusive, low-grade moron.

Catherine, the third child of James Bird, is 13 years old with an I.Q. of 71. She is very quiet and bashful, is not at all bright, but is hardly to be considered as feeble-minded.

Harvey, the second child of Ellen Bird, is unknown.

Josie, the third child of Ellen Bird, married Roy Jones and lives in Stonetown. She appears to be a low-grade normal. Her home is poorly kept, she can read and write and is fairly well informed as to what is going on. Her daughter, Ruth, is feeble-minded. She is 13 years old with an I.Q. of 68. She is in the fifth grade in school and cannot do the work.

Homer Bird, the fourth child of Ellen, died in infancy.

Catherine, the fifth child of Ellen, died in infancy.

Catherine, the fourth child of John and Bertha Keen Allen, married John Smith. He is dead and she lives near Ripple Creek in the old house built by her husband on the land given her by her father. She is a moron. She cannot read nor write, tell time, count money, can repeat only 4 digits, missed the absurdities of year X test, missed comprehension of year VIII, but knows the days of the week. She allows the chickens to winter in her combined living- and sleeping-room. They wander thru at will during the summer time. She allowed her cow to remain in the house during a cold week 2 years ago. She spends most of her time sitting before the fire. Two boys related to her husband are living with her and do a little crude farming.

John, the first child of Catherine, died in young manhood. During an epileptic seizure, he fell into an open fireplace and was so badly burned that he lived only a short time. He always had at least 1 convulsion each week and sometimes as many as 5. He never knew of their approach and was likely to fall at any time or place.

Homer Smith, the second child of Catherine, is a low-grade normal. He married Alta Cowden, who is an epileptic. Her attacks are frequent and severe. Her mother died in an in-

sane asylum and a cousin, Laurence Cowden, was an inmate of Southeastern Hospital. Alta and Homer have 12 children, the oldest being only 17 years old. She is a very poor housekeeper and manager. They own a seven-room house which was in good shape when they moved into it 4 years ago. Now most of the windowpanes are missing and their place is taken by old rags; the house is shakily from top to bottom.

George, the first son of Homer, is a feeble-minded epileptic. He left school when he reached the third grade at the age of 16 years. His teacher says that he was sullen and could not learn. He began having epileptic attacks in the summer of 1917. George is lazy. He is known as a thief. He was recently convicted with another boy for stealing hay and corn. The court was going to send him to the Penal Farm when they discovered that he was under the required age. He is now cutting wood for his father.

The second child of Homer Smith died in infancy. The physician states that the trouble was Status Epilepticus.

Homer, the third child of Homer Smith, is feeble-minded. He is 14 years old with an I.Q. of 61. He is one of the sulkiest boys met with in the county. He will not look at one when he has to talk; he will not play with the other children at recess but sulks in his seat. He has recently been in difficulty because of truancy. His father claimed that he started him to school and threatened to whip the teacher for reporting him so often. The matter was placed before the Juvenile Court, and the boy will be sent to the Indiana Boys' School on the next offense. At the trial, the father was asked how many children he had in school and was unable to answer the question.

Luke, the fourth child of Homer Smith, is feeble-minded. He is 12 years old with an I.Q. of 49. He was retested the same day, and was given a number of suggestions to see if he could profit by them. He could not. The teacher says that he does not do a thing in school. The doctor says that he does not have good health. He looks more like an eight-year-old child than one who is 12. He can move only the muscles of one side of his face as is the case with his brothers. He stands out to one side during playtime and does not seem to be much interested even in watching the other children. He seems to have no interest in anything, and acts as if

life is one long drag for him. When being tested, he answered those questions which had to do with memory but did nothing that required thinking. Like his brother, Luke steals. One of his chief forms of amusement is to shoot at cows to see them run. He is considered a bad boy by his neighbors. So it would seem that he is interested in the wrong things.

Oscar, the fifth child of Homer Smith, is feeble-minded. He is 10 years old with an I.Q. of 58. He is a small chap for his age, who can grin only on one side of his face, has a speech defect, is infested with lice, and usually has sore eyes. He does not play much with the other children and is teased quite a bit by the schoolboys. He has been in school since he was 6 years old and cannot yet do the work of the primary grade, altho he was placed in the first grade this year.

The sixth child of Homer Smith died in infancy. The 6 smaller children were not in school and were not tested. They were all undersized, dirty, and mean. The mother says that they are just like the other boys and she cannot do anything with them.

Harry, the third child of Catherine Smith, is married to Zella White, by whom he has 6 children. He works in a stone quarry part of the time and operates a "blind tiger" the remainder of the time. He is a low-grade normal.

Ralph, the first child of Harry Smith, is feeble-minded, a borderline case. He is 12 years old with an I.Q. of 76. He is in the fourth grade.

Minnie, the second child of Harry Smith, is feeble-minded. She is 8 years old with an I.Q. of 63. Her teacher says that he has quit trying to teach her anything. She is stubborn, contrary, will fight, steal, and swear.

Betty and Claud, the fifth and sixth children of John and Bertha Keen Allen, died in infancy.

The sister of John Allen married Chester Bell, who was alcoholic and licentious. He was known as a wild-cat in Kentucky, from which state he came. They became the parents of 7 children: Chester, Sam, Ed, and 4 others who died of tuberculosis.

Sam Bell married Laura Storen, the child of David Storen and a Mitchel woman. Before her marriage she had 1 illegitimate son, Hugh, whose father was probably Sam Bell, the man she married. By Laura, he had 3 other children: Roy,

Grace, and Joe. Laura had a brother, Homer Storen, who committed suicide.

Hugh Bell, the son whose paternity is doubtful, lives on the ridge south of Ripple Creek in a little two-room cabin inherited by his second wife. He is not normal, but very near the insane borderline. It is said in the neighborhood that he is "crazy", and everything indicates that he has been in an abnormal mental state at different times. He spends much of his time in bed—says that his nerves bother him.

By his first wife he had 3 children: Mrs. Margaret Storen, Mrs. Al Williams, and Fletcher. Margaret was afflicted with chorea from the time she was 15 years old until she died. At times she was so bad that she could not feed herself, dress, or make any kind of coördinated movement. She died of "heart trouble" after bringing into the world 3 children: Jane, Silas, and a baby girl. Mrs. Al Williams, the second child of Hugh Bell, is reported to be very immoral by the physician of Johnstown. Fletcher Bell, the third child of Hugh, is reported feeble-minded by the same physician and others. He works at a stonemill in Stonetown.

Otto Bell, the first child of Hugh by his second wife, married Tilda Lant of Township 12, by whom he has 2 children.

Martha Bell, the second child of Hugh by his second wife, also suffers from chorea. She is 20 years old and has been afflicted from the time she was 15 years old until 9 months ago when her baby was born. Since then, excepting a slight tremor, an almost imperceptible movement, and a nervous feeling, she is free from it. At times it has been so bad that it was impossible for her to feed or to dress herself. It was impossible for her to make any coördinated movement.

Her nine-months-old baby is a healthy looking child and has never been sick. Its father is James Allen, epileptic, the son of Robert Allen. He is very proud of the child but refuses to marry Martha because of her affliction. He was present when the child was born and goes about with her and the child as naturally as if they were married. The neighborhood does not seem to see anything unusual in the situation. When he was expecting to be drafted for army service, she went to his home to stay with him for the last two weeks at home. When the field worker visited them he was holding the baby. He looked up and said, "Aint he cute? He's ourn."

Gertie and Carrie, the third and fourth children of Hugh Bell by his second wife, do not have chorea. They are very nervous and high strung. They have lived out in other families since about their twelfth year and are well nourished compared with the other children.

Ruth, the fifth child of Hugh Bell, is 12 years old. She is in the sixth grade in the Ripple Creek school. She is industrious and wide awake, doing good school work in comparison with the other pupils. Her I.Q. was 66.

Frank, the sixth child, is very mischievous and bad in school and is also the most intelligent boy there. His I.Q. was 94.

Jewella, the seventh child, is 5 years old. She is afflicted with chorea.

Roy, the first child born to Sam and Laura Bell in wedlock, is a self-respecting farmer living midway between Hilton and Long's Crossing. He is a widower and since the commitment of his daughter, Alice Cox, has lived alone. His house and farm are well cared for. In 1879 he married Catherine Cooper, by whom he had 6 children: Alice, Julia, Henry, Roy, Edna, and Helen.

Alice, the first child of Roy Bell, was born in 1880 in Hilton. She was slow to walk and talk. She had to stop school in the third grade at the age of 12 years and when 15 years old began to have "spells". At first these consisted only of a choking sensation without the loss of consciousness. She did not begin having hard attacks until about 2 years before her commitment to the Southeastern Hospital. Following an attack she would become disoriented for time and place for several hours. Toward the last she would have 3 or 4 of these per day. When 23 years old, she wished to marry Ed Cox, but her father objected because of her disease. They insisted, however, and 2 children were born to them. Then the husband deserted her, taking the children with him. Alice returned to her father's home where her condition steadily grew worse. During her mother's last illness and following her death, she became unmanageable and in March, 1917, was committed to the Southeastern Hospital.

The other children of Roy Bell were not seen but are said to be average people. They are Mrs. Julia Walden, Henry, Roy, and Mrs. Henry Moffit. Helen died in infancy of brain fever.

Grace, the second child of Sam and Laura Bell, married Ed Curry of Township 12.

Florence, the daughter of Grace Curry, is feeble-minded. She married John White, a farm tenant of Township 12. She cannot keep house, is lazy, talks silly, is filthy and dirty, spends money foolishly, and can neither read nor write.

Joe, the third child of Sam and Laura Bell, died of tuberculosis.

Chester, the second child of Chester Bell, lives 3 miles east of Stonetown, and was not visited. The 5 younger children of Chester Sr. died of tuberculosis.

The Three Moffit Invalids

Closely related to the Allen family by marriage but not by blood is the interesting Moffit family. This group consists of 3 sisters and 1 brother who live on the old family farm east of Hilton. The place is well hidden from the road, and to reach it one must walk thru a tangle of brush, weeds, and forest. Not a sign of human habitation is visible even after one comes almost into the shadow of the house. The old log cabin has about fallen down; the windowpanes are broken out and the frames are stuffed with rags. The door was standing open and nothing was visible except a bed which looked unfit for hogs, an old stove, and an immense heap of empty medicine bottles. About 20 feet from the old house is a one-room board structure built by the father of this group in which to store his invalid daughters. This house has in it 3 beds, a drum stove, and 2 chairs. The meals are all brought in by a woman who lives a mile away. She is the only person who goes to the house.

In this room live the 3 Moffit sisters: Ada, Emma, and Lena. Their brother occupies the old house.

Ada has been in bed for 20 years. She says that she is nervous and has stomach trouble, but that nothing hurts her. When asked why she did not try to walk, she said that she was afraid to and that she never felt that she wanted to. She finished the eighth grade in school but has made no use of her education except to teach Lena her letters and to count. She is rather a nice-looking woman and looks fairly healthy. She has a good appetite, and, according to the woman who cooks

for them, along with her sisters, eats large quantities of beans, cabbage, potatoes, meat of all kinds, and pie.

Frank, the second member of this strange family, is feeble-minded. He is 42 years old and unmarried. One of his peculiarities is that he will not look at a woman. When he sees one coming and finds it impossible to dodge, he will turn his back toward her and walk sideways until he has passed her. He works on the section where he talks to the men only when it is necessary. He has never tried to farm the land left by his father but rents the part of it that lies in the creek bottom. He has let the bushes grow up about the house until the place is a wilderness.

Emma, the third one of this group, is 39 years old and has been in bed for nearly 25 years. When a young girl she jumped off a high fence and injured herself slightly according to the physicians. Since then she has not left her bed, altho according to these same doctors there is no physical reason why she should not do so. A very significant fact is that she was "sick" for 2 or 3 years before the accident and had spent a part of that time in bed. When the field worker entered the room, she covered her head with the bed clothes. She hides her face from the woman who carries the food to her each day.

Lena is the youngest of the Moffit sisters. She is 28 years old. She too is "sick". At one time she had "St. Anthony's Dance" but is now free from it. She never attended school, but was taught a little by her sister Ada. She is nervous and very shy. She would turn away her head whenever addressed.

The Maternal History of Clara Allen

It will be remembered that James Allen, the father of Clara, was married 3 times. His first wife after leaving him was also married 2 more times. The second husband was a Moffit, by whom she had 4 children of whom nothing is known. She then married John Miller, who already had 3 children: Simpson, Walter, and Maud. By her John had 5 children: Ed, Homer, Susan, Polly, and Matt.

Ernest Miller, first child of John by his first wife, Clarissa Petty, was born in 1843 in Township 12. He married and continued to live on the old place. All his life he was known as a very queer fellow and on January 23, 1902, he was com-

mitted to the Central Insane Hospital. Six months later he was released as cured. The fact is that he has not recovered and at the present time it is often necessary for the neighbors to come in to help restrain him. It is not unusual for him to be kept tied in his room for several weeks at a time. He lives with his children.

Walter Miller, the second son of John, was born in Township 12 in 1854. He attended school for 3 months as a boy and says that he has since "educated himself". He has always been peculiar and unreasonable. For years he has been threatening to kill a neighbor who he thinks is trying to steal his farm. He also imagines that people are following him, that his wife is untrue to him, etc. He has always been a very immoral man. Most of his sex offenses have been against the women of his own family. In January, 1910, he was sent to the Southeastern Hospital for the Insane where a diagnosis of Manic Depressive was made.

In March, 1918, he was visited in his home, where he appeared very friendly. He is even strained in his expressions of friendliness. He seems ill at ease. He is very suspicious of even the most harmless of remarks. He cannot get it out of his mind for a single moment that some of his neighbors, one in particular, are trying to steal his farm. One night he lay in watch for him, and when a calf ambled across the barnlot blazed away at it with his shotgun, supposing it to be this neighbor coming to steal the farm. While talking every little bit he would come back to the question "Has anybody been complaining?" While talking he acts as if he were consciously trying to see every little gesture of each person in the room. He is very boastful, thinking that he does things a little better than anyone else. He often repeats the statement that he is very religious and spends all his spare time reading his Bible. At the same time his profanity is very noticeable.

Walter has 8 children, 1 of them being feeble-minded. Rolla is a tall, well-built fellow, 24 years old. He is very bashful, never talking to anyone if he can help it. When visitors come, he is never seen. The boys in the neighborhood say that he is such an adept at hiding that he can be only a few feet away and never be seen by a stranger. He really does seem to have an extraordinary ability for effacing himself.

Maud, the third child of John Miller by his first wife, is a

moron. She married a Jackson and lives in Township 12. Her husband is dead and she lives in an old log cabin with her son Homer. She is a dirty old witch-like woman who sits in the corner with her pipe most of the time. She has a speech defect. Only 2 of her children were seen, Earl and Homer.

Earl married Susan, the daughter of John Miller by his second wife. In other words, he married his half-aunt. She is a low-grade moron. They had 8 children, the last 5 of whom were stillborn. The 3 living children seem brighter than their parents and are low normals or borderline cases. They are notorious prostitutes. One of them has been ill for 7 months—bad throat, large sores over her body, rheumatism, and painful spots over the ovaries. It is said that she still practices prostitution in spite of her condition. The house in which Susan and her nephew-husband live is about the center of Township 12. From even a short distance the place looks uninhabited. There are no outbuildings nor chickens to be seen, nor window blinds nor curtains. In fact there is only 1 window in the house and until one looks carefully no chimney is seen. It protrudes out from one of the side walls. Inside there are several beds, a chair, a table, and a stove. In spite of the immense holes between the logs and in the roof, an offensive odor permeates the atmosphere.

Homer, the second son of Maud Jackson, is a low-grade moron who lives with his mother and niece in Township 12. He is 49 years old and unmarried. They live in an old log house, a corner of which serves for the district postoffice.

Polly, the fourth child of Agnes by John Miller, married Roy Smith, a second cousin, by whom she has 2 children. They are exceedingly inferior. Both of them are mouth-breathers, the four-year-old child cannot yet walk, and the six-year-old has not yet started to school and cannot talk so as to be understood.

Summary

In this group there are 22 feeble-minded, 4 insane, and 5 epileptic persons. Moreover, we have a record of 1 insane and 6 epileptics who have died within comparatively recent times. According to the neighborhood gossip, none of the old folks was of average intelligence. None of those now living not classified as defective are more than low normal.

The family trend is downward. Older generations obtained farms and must have done something to develop and hold them. The present generation is only working when it is absolutely necessary. The standard of living is so low that they can live with very little exertion. Almost all of the children are low morons and bid fair to become a more shiftless and degenerate group than the present generation.

6. The McHaley-Johnson Family

There lived in O. County about a century ago an old man, Mahlon Johnson. He was a hard-working man who never managed to accumulate much of anything but children. A physician in the county, who is a very old man, remembers seeing him years ago. He was not thought of as feeble-minded but was slow, queer, and "harum scarum" in his plans. He married Dessie Harris, a sister of old Grant Harris. In the past the Harris family has been a wild, lawless set. At the present a part of their descendants are among the most prominent people in O. and County H. Others of the direct Harris descent are the plodders of the community. Mahlon and Dessie had 9 children: Addie, Clara, Walter, Myrtle, Otis, Thomas, Herbert, Harry, and Frank.

Addie, commonly called "Old Add", the first child of Mahlon and Dessie, married Robert McHaley, who was also born in O. County. Add is described by the old doctor as having a frowsey head of hair which would not go into a bushel basket. It was never combed. She would swear without provocation, fight, drink, was licentious, and at times very sullen. In his estimation she was undoubtedly feeble-minded.

Her husband, Robert McHaley, was the first child of James McHaley, the son of John and Martha, who came to O. County from North Carolina at the close of the Revolution with their sons, John, Luke, and Mark. Robert's brothers and sisters were Stephen McHaley, who is still living in O. County; Benjamin, Hubert, John, William, Mrs. Sarah Means, and Mrs. Lantern, all of O. County. One doctor states that there is little feeble-mindedness in this family altho insanity and epilepsy are found in a small degree. The feeble-mindedness is confined to the descendants of Robert.

Robert was alcoholic and lazy. He was a cooper by trade, but he never worked regularly. He and Add had 8 children:

Luke, Mary, Jesse, and 5 others who died in infancy. Robert and his wife died in Stonetown after many years of part dependence on the relief agencies of that town. They both died of tuberculosis.

Luke, the first child of Robert and Addie McHaley, was born in 1842 in O. County. He married Catherine Brinson, of that county, a feeble-minded member of a family where there is a noticeable number of other mental defectives. Catherine's mother was Ethel Lasky, who, after Brinson's death, married an Endors. By him she had 2 children, Charles and Millie. Millie died at the age of 11 years and Hugh married another Brinson by whom he had 1 son, Charley. Both



Home of Stella Barton.

Charles and his son have served prison sentences. Catherine had 5 whole brothers and sisters of whom we know nothing except that among them were Pauline, Naomi, Peter, and Grant. The latter married Mary McHaley, a sister of Luke, and brought into the world a feeble-minded family of children. Catherine died at about the age of 60 years of tuberculosis after having borne Luke 10 children: Stella, Goldie, Frank, Nellie, Daisy, and 5 who died in infancy.

Luke is a tall, emaciated old man who is ignorant and dirty but rather industrious. He works very diligently when he can get lumber to unload, stoves to black, or grass to cut. In spite of his efforts, however, he has been more or less of a township dependent for the past 20 years. He is illiterate and

could probably pass a seven or eight year Binet successfully. To sum up his traits, we can say that Luke is alcoholic, feeble-minded, and partially dependent. His home is simple, consisting of 2 rooms rudely furnished, very dirty and buggy. An interesting thing to note about his family is that his children are all less intelligent than himself or his wife. Also that Stella, the oldest, is the most intelligent of them, that Nellie,



Stella. Goldie. Andy Grubb.

the youngest living child, is the least intelligent, and that the last 6 children died in infancy.

Stella McHaley Grubb Barton, Luke's oldest child, is feeble-minded. She is tall, thin, anaemic, and tubercular. She does not know her exact age but thinks that she will be 52 years old "when the blackberries get ripe". She lacks motor coördination, so much so that when she talks she uses all the muscles of her neck and face. She first married Andy Grubb by whom she had 5 children: Mamie, Lucy, Grace, Andy, and Elizabeth. He was sentenced to the state prison in 1898 for

grand larceny, and Stella was unable to make a living. The 2 smaller children died (Nellie says that Stella fed them ground glass) and the 3 older ones were sent to the Orphans' Home. Relieved of all responsibility, Stella celebrated by eloping with a negro with whom she lived for 1 year. She returned and spent some time in the County Poor Asylum after which she married Jim Barton, a feeble-minded, alcoholic junk collector. She has no children by him. In summer, they manage partly to support themselves. The township trustee helps in the winter. They live in 1 room of a house (the only inhabitable room) for which they pay \$1 per month. All their spare money goes for alcohol. The outstanding difference between Stella and her sisters is that her home is kept in a much better condition than that of the others. The 2 oldest Grubb children have been placed in homes and are reported to be doing well by the field worker. The third child died after being taken to the institution.

Goldie McHaley Grubb, the second child of Luke McHaley, is of a low grade of intelligence. Her mental age according to the Stanford Scale is 4 years and 4 months. She is a low-grade imbecile, who spends most of her time roaming the woods with her husband and sisters, brother and father, hunting mayapple roots which they sell to a drug house. Her husband, who is more intelligent than she and her family, complains because he cannot teach her the difference between yellow root, ginseng, and other roots in the woods. She never remembers what he tells her. In lack of motor coördination, she resembles Stella and Nellie.

She has had 3 illegitimate children, 1 of whom is living, Louis McHaley. One of these is said by her sisters to be the result of an incestuous union with her father. She is not sure as to the father of Louis but thinks that he was Roy McHaley, a man who formerly lived in her father's home. After Andy Grubb returned from prison and found his wife Stella remarried, he married Goldie.

Andy is probably not feeble-minded but a borderline case. He can read and write and is very shrewd in evading the law. He makes his living by hunting medicinal herbs. As long as his money lasts, he has plenty of whiskey, and when it is gone he applies to the township trustee for help. An amusing incident happened a few winters ago. A kind gentleman of the

town was in the habit of helping Andy to dispose of his roots, for which service Andy curried his benefactor's horse. One morning Andy sent Goldie to this man to see if he would not advance him some money. He wrote two notes, one of them marked with a cross so that Goldie, who could not read, would not get them confused. She forgot about the mark and handed out the first note which read thus, "Send me a quart or a pint, I don't care which." The kind gentleman told her that she had evidently come to the wrong place whereupon she handed him the second note, which read as follows, "Send me a quarter or a half-dollar, I don't care which."

Louis McHaley, the only living son of Goldie, is a queer sort of a boy. He is very bashful and when cornered acts as if frightened. He works regularly, sweeping out the local moving-picture show.

Frank McHaley, the third child of Luke, born in 1874, is feeble-minded, alcoholic, and tongue-tied. He has twice been in the Southeastern Hospital for the Insane. He is said to be a homo-sexual prostitute. The psychiatrist at the hospital says that the examination of the patient "shows more of a psychopathic personality of a born criminal type and a degeneracy of morals". He is reported from there as filthy, profane, talkative, noisy, cheerful, violent at times, destructive, homicidal, hysterical, and of no judgment.

Frank's first wife, Mildred Terry, was a "holy terror". She was insane, licentious, alcoholic, and criminal. For many years she was confined in the Southeastern Hospital from which place the psychiatrist sends the following report: "Deaf, cannot read, modest, is inclined to laugh and joke rather excitedly, is oriented for place, person, and probably for time, is religious, train of thought is spontaneous, rate is normal, no flight of ideas, mental grasp is difficult, poor judgment, and no hallucinations or delusions." Before she was known to be insane, she was considered to be a dangerous woman. She had a mania for setting fire to any building to which she might have access. Once when she was spending the night with the Amos Franklin family, Violet awoke to find her bending over her with an open knife. At another time when being arrested, she stabbed a policeman and shot at the sheriff. She died at the Hospital for the Insane in the spring of 1919.

Two weeks later Frank married Minnie McHaley, the daughter of Matilda and George. Altho of the same name, they are not related. This family seem to have wanderlust in their makeup. They are professional tramps and beggars. In summer they systematically make all the small towns in the central part of the state, each place telling a new story as the reason for asking help. In one place they tell that their house has burned, in another that disease has almost wiped out the family, and they are no longer able to work. Until about 2 years ago they always spent the winter in or near a nearby county seat. For the past 2 years they have been making Stonetown their headquarters. They are all feeble-minded. The mother came from an adjoining county and for her second husband married George McHaley, a feeble-minded man who had been born and reared in County H. Matilda does not know her age but is probably somewhere between 55 and 65 years old. When asked about her age or that of Pearlie, her daughter, she always says, "Lor! Sister, I dunno." The only thing she seems to know for sure is that Minnie, the oldest child, is 18 years old. One would guess Pearlie to be about 14 years old. She has never been able to attend school as she is a low-grade imbecile. She has already had 1 illegitimate child. She will often sit for hours staring into space during which time she says she is talking with God. It is difficult to say whether the child suffers from hallucinations or is acting on suggestions received at the Holy Roller church. Janie has 2 illegitimate children dead. Both were in a horrible syphilitic condition when born. One paternal aunt of Minnie was seen. She was a woman perhaps 70 years of age who had deteriorated so badly that it was impossible to get any information from her. One brother who is now dead was feeble-minded. Matilda says that she had a brother who "was not right in his head" but as she also said that his "brains run out of his head through his nose", her word cannot be taken as final. Minnie has been seen once since her marriage to Frank McHaley. They were living in a two-room shack in which there was no furniture but an old tumbled down bed. The customary stove and broken dishes were missing. It is not known how they cooked. Frank and Minnie were seated on the floor sorting mayapple root for the market. Her sole garment

seemed to be a loose nondescript affair with no form. She has fiery red hair.

John Terry, the illegitimate son of Mildred Terry McHaley, is also insane and feeble-minded. He was first sent to the Indiana Boys' School for incorrigibility. They found him to be feeble-minded and had him transferred to the School for Feeble-minded Youth. From there at the age of 15 he was transferred to the Southeastern Hospital for the Insane. His diagnosis is *Dementia Praecox*.

Nellie Freeman, the youngest living child of Luke McHaley, is a low-grade imbecile about 45 years old. She says that she will be 45 when the mulberries get ripe. She has a mental age of 4 years and 2 months. She is a tall, angular woman, very dirty in appearance. Her speech is not at all plain, and, like her sisters, she uses all her facial and throat muscles when she tries to talk. She is vulgar and profane. When angered she strides up and down the room, swearing and throwing her arms like an insane person. When young, she married Mahlon Freeman, the epileptic, alcoholic son of a normal family. He died leaving 1 child, Alta. When first visited, Nellie lived in a four-room shack with 2 negro families. The windows were all broken out and replaced with tin. Luke, Frank, Louis, and Nellie were living in 2 of these rooms. Grime and filth remain there undisturbed. The family sleeps on 2 dirty beds made of rags which have probably not been aired or seen the light for months. There is no other furniture except a stove, 2 chairs, and a number of pine boxes. The family does not mix much with the neighbors. Stella and Goldie come in and loaf, quarrel, and drink, but they are really friendly with no one. The family is not self-supporting. Nellie does not work and Frank has the same aversion to labor. Luke is now too feeble to do much. Nellie claims that her father and nephew have illicit sex relations with her, but she is so untruthful that her word is not worth much. At present she is living in another part of Stonetown with her father and nephew. The home is a tiny two-room structure or rather 1 room with a lean-to in the back.

Alta, the child of Nellie Freeman, was born in 1898. When quite young her limbs were pulled out of place by her drunken parents, each of whom was struggling for possession of her. The limbs were never set back in place and the little girl

learned to walk on all fours instead of upright. The father died and she grew up in the care of "crazy Sawbuck" as Nellie is called about town. When 12 years old the attention of the truant officer was attracted to her as the child had never attended school. She was given over to the Board of Children's Guardians, who placed her with a paternal aunt. Her physical condition was improved and in a few years she had reached the fifth grade in school. It was then necessary for her to leave school as she was unable to climb stairs to the upper classrooms. For about 2 years later, she was a trusted nursemaid. Then for no apparent reason, she suddenly failed in



Present Home of Luke McHaley.

health. For 2 years she has lain in bed or on a couch with apparently no desire to resume a normal life. She says that she is weak and dizzy, but the doctor can find no reason. When she so desires, she is strong enough to lift a fat two-year-old baby above her as she lies on the bed. Alta is feeble-minded but is quite a different type from her maternal relatives. She has a mental age of about 10 years. Lack of judgment and short memory-span stand out in her test. Three years before this test, she was given the Goddard and measured 12 years. This may mean quite a bit of deterioration as the Goddard Binet in the upper reaches of the scale is much more difficult than the corresponding part of the Stanford Revision.

Daisy, the fifth child of Luke McHaley, died at the age of 21 years of tuberculosis. The 5 younger children died in infancy.

Mary, the second child of Robert and Addie McHaley, was a feeble-minded, licentious woman who married Grant Brinson, brother of Catherine Brinson McHaley. He is said to have been feeble-minded. They had 5 children: Kate, Bessie, Lula, Hugh, and a child who died in infancy. Grant is now dead, but Mary is said by Luke to be living.

Kate Brinson, the first child of Mary and Grant, was born in 1880. When quite small she with her 2 sisters and a brother were placed in the Julia Work Home by the Board of Children's Guardians. There they remained until they were of age. Kate and Bessie were brought back to County H. and kept in the County Poor Asylum for the greater part of the next few years. There they had to be continually watched because of their immoral tendencies. Finally after a number of unfortunate accidents, Kate was taken from the Poor Asylum and placed with a dairymen east of town, who agreed to pay her for what work she could do and give her the protection of his home. She has now been in this home under constant supervision for 5 or 6 years. She earns her room, board, clothes, and \$1 per week, which has grown into a nice sum considering that Laura has only a mental age of 6 years by the Goddard scale.

Bessie, the second child of Mary and Grant Brinson, is approximately of the same mental age as Kate. She has much the same moral record as her sister. She stole her sister Lula's husband, with whom she lived several months before he went back to Lula. Lula in the meantime had come to Stonetown from the northern part of the state where she had been since leaving the Julia Work Home with another man who she said was her husband. Together with Frank McHaley, they stole chickens until one night it was necessary for them to leave town in a hurry by way of a freight train. They were caught in the northern part of the state, where the men were placed in jail and Lula was placed in a hospital where her baby was born shortly. She was released on a promise to return to her true husband. Johnnie, the fourth child of Mary and Grant Brinson, died when he was 15 years old. The youngest child died in infancy.

Jesse, the third child of Robert and Addie McHaley, died at the age of 7 years. The 5 younger children died in infancy. There is to be found among the 39 descendants of Addie, the first child of Mahlon Johnson, no person who is or has been a self-supporting respectable citizen.

Clara and Myrtle, the second and third children of Mahlon Johnson and his wife, Dessie Harris, are unknown. Nancy is supposed to be living somewhere in O. County.

Walter Johnson, fourth child of Mahlon and Dessie, is said by a physician of his town to have been feeble-minded, licentious, and alcoholic. He died after being crippled and paralyzed for a number of years. He was syphilitic. He has 2 married daughters, one of them being syphilitic.

Otis Johnson, the fifth child of Mahlon and Dessie, married Catherine Henderson and moved to Stonetown from O. County. There they lived steeped in filth and poverty. He was alcoholic and lazy and she was filthy, lazy, feeble-minded, and tubercular. They reared 4 children: Hazel, Amanda, James, and Daniel. Lizzie, a daughter, died while a young girl. Otis was probably feeble-minded. A physician who knew him says that he was shiftless, alcoholic, and was not "quite right in his head".

Mrs. Hazel Johnson Gardner, the first child of Otis Johnson, is a low-grade moron. She is also alcoholic, syphilitic, and licentious. In appearance she is a dirty, repulsive woman with a light growth of beard on her face. She chews tobacco, swears, drinks, and does not look as if she had washed for years. She is very licentious and lives with men other than her husband most of the time. When visited by the field worker, she was living in a board cabin on an alley which runs thru the slums of Stonetown. She was not with her husband but living with Pat Dunigan helping him to distribute some bad whiskey. Her husband, who was keeping house on another street for his 4 children, bought his whiskey of them, often staying in Pat's establishment several days at a time when the liquor was plentiful. When business was bad, Hazel usually helped out with a few washings. At the present time she is living in a nearby county seat with her sons and a sister, having left John altogether.

The first child of Hazel and John Gardner died in infancy.

Alice, the second child of Hazel, was born June 1, 1900.

When 15 years old she had a mental age of 8.6 years by the Goddard scale. She was in the fourth grade scale. She was in the fourth grade, having been promoted not because she deserved promotion, but because she was too large to be kept with the small children and could do no better work in the second grade than in the fourth. She was good-natured about her failures and really tried to do her work. In personal appearance she is very unattractive, her face being asymmetrical. She also possesses a saddle nose and bad scrofulous scars on her neck and face. She is kindly and affectionate, but not many people ever respond to her because of her filthy body and clothes. Her awkward and ungainly gait was noticeable. When 16 years old, she married a Johns who had recently come to Stonetown from Kentucky to work in the stone quarries. She now has a baby who has the same peculiar asymmetrical face as Alice.

Janie Gardner, the third child of Hazel and John, is a seventeen-year-old girl in the fourth grade at school. At the age of 14, her mental age was 8.8 by the Goddard. In school she does not seem to make the slightest effort to do the work. She never answers questions but stares straight ahead of her. Her saddle nose, expressionless eyes, lifeless hair, and slovenly, filthy person mark her as a low-grade moron. Her immoral tendencies are well known to all the neighborhood. It would seem that the greater part of her associates are among the colored boys on her street.

Glen Gardner, the fourth child of Hazel and John, is 12 years old. When 9 years old he tested 6 by the Goddard. His teachers says that he is "just like his sisters".

Leonard, the fifth child of Hazel and John Gardner, when 8 years old could not talk plainly enough to be understood and physically looked more like a child of 4 years than of 8. He is now living in a nearby town with his mother.

James, the fourth child of Otis and Catherine Johnson, was born in 1883 in O. County. He was always considered weak-minded by his family, which condition is caused by fits according to them. In 1903 he was sent to the Central Insane Hospital and from there was transferred to the Southeastern in 1910 where his diagnosis is Epileptic Insanity. He is now a dement of the lowest stage. He is still able to sit on his bench in a row with 7 other dementes but is unable to feed or

care for himself in any way. He does not even respond to his name. His face and head remind one forcibly of his nephew, Leonard Gardner. He has a saddle nose, his skin is thick and yellowish, and his hair grows down in all directions from the crown in an inverted bowl fashion.

Daniel, the fifth child of Otis and Catherine Johnson, lives in a neighboring town. Nothing is known of him except that he has been twice married and has 1 child. It died in infancy. He is 35 years old.

Thomas Johnson was the fifth child of Mahlon and Dessie. Nothing is known of him except that he married Rachael Moore, by whom he had 4 children: Frank, James, Elmer, and Gracie. These children are remembered by a prominent citizen of Stonetown who says that they were of 2 sorts. Frank and James were 2 of the "wits" about town. They had no education, and one of them worked as a porter in a hotel where he was noted for the keenness and shrewdness of his replies. The former was a splendid baseball player in his youth. Elmer and Gracie, the third and fourth children of Thomas, were very different from the older children. They were dull and apathetic.

Frank died unmarried. James married and became the father of Samuel, Matthew, and Esther. Samuel resembles his father and uncle Frank in that he has a superficial wit and wisdom which is "catchy". He is one of the men who makes a practice of following up the college teams and is foremost in the betting, carousing, and swaggering in the cities where these games are played. He is in trouble with the fish and game wardens most of the time. The laws are forgotten when he wishes to dynamite fish from a stream. He has a small son in school who will probably grow up into a man very much like his father. He is a lively little chap who is wide-awake all the time and always trying to see a joke on the other fellow. His teachers say that he is superficial in all his work.

The sixth child of Mahlon and Dessie was Herbert Johnson. He lived in O. County where he married Nora Henderson, by whom he had 4 children: Mary, Clara, Harvey, and Willie. Herbert then died and his widow married Ernest Heaps, by whom she had 4 children: ———, James, and Agnes. James had a twin who died. Nothing is known of Herbert

except that he drank and was too lazy to make a living for his family.

Mary, the first child of Herbert, married Homer James and lived north of Stonetown on a farm. She had 6 children, of whom nothing is known but their names.

Clara, the second child of Herbert Johnson, married Amos Franklin, an ignorant, lazy, shiftless man whose "weak back" will not permit him to work regularly. He usually earns the rent of some little shack by working as some man's tenant. Besides his rent, he never makes more than \$1 per day. Most of his employers agree that he does not earn that sum. When first visited by the field worker about 4 years ago, the family was living in a tiny two-room house three miles north of Stonetown. Clara had recently given birth to her fifteenth child, and the added responsibility meant no more to her than if a new puppy had arrived. There was little furniture in the house—in fact the beds took up most of the room. It was summer time, the father was making his \$1 per day, they did not have to buy coal, and the whole family was as happy as if living in comfort. Since that time Clara has given birth to 2 more children, making a total of 17. The first 2 children were born before Clara married Amos. Their father was Ernest Heaps, Clara's step-father.

Marie, the first child of Clara, is living in Indianapolis with her third husband. Her mental status is not known. By her first husband she has 2 children, William and Harold Eldon.

The second child of Clara is George, who married Emma Hankins. He has 1 child, Elizabeth. She works at a factory, and during the last year of the war when women were employed, she worked up to the time of her death. Intellectually she was superior to any of the Franklin family. Her sisters, who are rated as superior children in the city schools, are as they grow to adults raising themselves out of the poverty which they have always known. After marrying George, Emma kept him at work. Now that she is dead it is a question as to whether he will continue to work or go back to his old lazy habits. He is not feeble-minded but a low-grade normal.

The third and fourth children of Clara died in infancy.

Violet, the fifth child of Clara, is married to Roland Car-

penter and lives in Stonetown where he works in a factory. She is a low-grade normal. She and her husband have 3 children: Pansy, Leonard, and Mary Ellen. They are dirty-faced, mouth-breathing youngsters who run wild in much the same fashion as their mother's family did before them.

Edith, the sixth child of Clara, married Forest Carter, by whom she had 1 child who is now dead. Forest was recently arrested for bigamy. Neither is feeble-minded, but Edith is a very low normal or borderline.

Edna, the seventh child of Clara, is 21 years old. At the age of 14 years, she married Fred Briscoe, the son of John, who is insane. They lived a cat and dog life for 3 or 4 years and Edna left him. Their child, Florence, died in infancy. She was not faithful to her husband while living with him and since her divorce has been exceedingly immoral. She works as a domestic most of the time. When 17 years old she tested almost 10 by the Goddard scale. One could scarcely call her feeble-minded on the basis of the test alone, but when we find that she had difficulty in school and has been unable to meet the requirements of society since leaving school, we are willing to call her a high-grade moron. Her former husband is a reckless fellow always looking for trouble and nearly always finding it. He is frequently in trouble with the law because of his fondness of making an easy living by peddling "moonshine" whiskey contrary to federal law.

The eighth child of Clara Franklin is Irene, who married Sanders. She is the only one of the Franklin children who ever made good in school and who has not violated the moral code. Each of the other girls married when they did to prevent their children from being fatherless. Irene has always been a moral girl and since her marriage has set up a home that is far superior to that of her mother. She is undoubtedly of normal intelligence. Her baby is intelligently cared for and is showing the result of care different from that received by the younger Franklin children.

Eugene, the ninth child of Clara, was born in 1900. When 14 years old he tested 10 by the Goddard scale. His mother says that he is a good boy but that the other boys "pick on him" and that is the reason he is always in a fight. His teachers report him as incorrigible. When quite small he smoked cigarettes, used profane language, and stole from the

other children. He is a moron of the type who will sooner or later get into the reformatory for a crime which society should not give him a chance to commit.

Dorothy Franklin, the tenth child of Clara, was born in 1902. When 13 years old she was retarded 4 years according to the Goddard scale. Like the other girls, she is not to be trusted with men. From the time she was 12 years old she has shown such a depraved moral sense as is not generally found among children of her age. She is another moron needing custodial care.

Helen, the eleventh child of Clara Franklin, is 11 years old. She was tested 2 years ago when she was in the second grade. Altho retarded, she is not feeble-minded.

Of the next 6 children, only 1 is living, the others having died in infancy.

Harvey, the third child of Herbert and Amanda Johnson, lives in O. County. In the past he has moved back and forth to Stonetown. Two physicians in O. County pronounce him feeble-minded. He has been married 5 times. By his first wife, Cora George, he had 3 children, all of whom are now grown. His other wives have been Mary George, Rose Heaps, Martha Melton, and Bessie Miller. By this last wife, he has 1 child, Herbert. The little chap suffers from rickets, adenoids, and sore eyes. The physician says that congenital syphilis is at the bottom of his trouble.

Willie, the fourth child of Herbert Johnson, died at the age of 2 years.

Harry Johnson, the seventh child of Mahlon and Dessie, is the only one of the children who made good. He has used questionable methods but has been able to accumulate over \$500,000 in the second-hand furniture business. He is said to be a shrewd man in spite of his lack of education. His children are said to be normal but very crude.

Frank, the eighth child of Mahlon and Dessie Johnson, died when a young man of 20 years.

Summary

This is a group typical of the degenerate family group found in almost all southern Indiana. In the beginning there was but a slight departure from the normal which became greater as each successive generation tended to intermarry with other defective groups.

7. Lily Bennett

Lily Bennett, the wife of Vernon Bennett, is feeble-minded. She is the daughter of George Hahn, a recipient of poor relief for many years. Lily first married John Turner, by whom she had 2 children: Myrtle, age 14 years; and Effie, age 10 years. John was sent to prison in 1909 for forging checks, and Lily procured a divorce. She then married Vernon Bennett, by whom she has had 10 children: Bessie and Jessie, 7 years; Helen, 5 years; Clyde, 3; a boy and girl dead; twin boys dead; Esther and Hester, age 5 weeks. The first 4 are feeble-minded, and Effie is epileptic. Both children and mother are poorly nourished and a number of times have been found by the neighbors in a starving condition. They are like hungry cats and dogs. They go about the town snatching food from other children and out of houses other than their own. They are almost naked and most of the time are in need of medical attention. The father is now for the first time in his life earning \$2.50 per day. In the past he has made \$1 per day when he worked. A great part of the time he does not work at all. He spends most of his time trying to get aid from the township trustees and other charitable agencies. They do not pay rent but move at least once each month.

The case seems hopeless. Lily has given birth to 12 children in 14 years—the last 10 in 7 years—and is now only 28 years old. It seems impossible to make the family self-supporting and clean. The children are taking up the time of the teacher in school and are making very little progress to show for the effort made in their behalf. It would certainly have been economy on the part of the state to have segregated Lily to prevent reproduction. Shall her children be allowed to carry on the family traits?

8. A Family of Institutional Cases

In the days when the first railway was being built thru County H., many of the Irish who came in as laborers settled permanently, some of them bringing in their families and others marrying into families already established. Many of them made good and are today substantial citizens. Others depended too much on their whiskey and quick wit and today do not rank very high in the community. Among these latter

are the descendants of Joseph O'Brian. Joseph had left 4 sons in Ireland: Mike, Luke, Mark, and John, and of these we know nothing. Maggie, Thomas, and Oran he brought to County H., where they married and have left behind them a large number of descendants.

Maggie married James Dunigan, by whom she had 6 children: Martin, Mary, Jane, Pat, John, and Mike. The well-known member of this fraternity is Pat, a well-known "levy rat" of the west end. He is the man spoken of in the McHaley-Johnson history who was associated with Hazel Gardner. He is now living at the home of Hazel's step-daughter, Martha Calvin. He is alcoholic, criminal, licentious, and feeble-minded.

Thomas O'Brian, the sixth child of Joseph, was not seen.

Oran, the seventh child of Joseph O'Brian, first married Mary Murphy, by whom he had 1 child, Ruth. Oran was extremely alcoholic and considered a bad man to get along with. When drunk, as he was most of the time, he considered it his duty to the Irish to fight some one, and he usually had little trouble in finding some other Irishman who thought as he did. Mary finally decided that she would be happier without him than with him and left the daughter and husband to care for themselves.

Ruth first married Everett Bruce, by whom she had 7 children. Bruce is a member of the Morris family of Township 5. Her daughters were all immoral, and the boys were alcoholic good-for-nothing rascals. This is not to be wondered at when their early home life is taken into consideration. Ruth and her husband led a cat and dog life, and the children were encouraged to do likewise. When they were arrested she would go down to police headquarters and swear and rave until the police would have to arrest her too. When they were released, she would nag and curse at them until they would as soon be in jail as at home. When the field worker went in the first thing Ruth did was to begin to tell her what a godless, low-down family she had brought up—that her children always had insisted on associating with the meanest and most no-account people of the town and how nothing could make men and women of them. All this was said in the presence of her grown-up children, who were sitting about with their husbands. Some of them looked ashamed

and others were amused and paid little attention to her tirade. It is said that when Ruth comes out of her house with a rolling-pin in one hand and a poker in the other, all the neighbors go into their houses and lock the door. She has probably been a party to more rough and tumble fights than any other woman in the county. She still fights with her tongue, for her rheumatism prevents her from going far from her chair. Altho ignorant, her supple tongue can outrun that of anyone who tries to talk her down. She never hesitates in her speech, and she is very amusing when excited because of the long words she uses, the meaning of which she does not know. Bruce left her and she then married Horace Baker, a cousin of the Baker men of Township 1. By him she had 1 child, Mabel. Horace could not endure her tongue-lashings so he left her within less than a year after he married her. Since then Ruth has supported herself and family by washing and cleaning. One of her daughters married a York, a member of the Slack family. The youngest child, Mabel Baker, for several years was an inmate of the Indiana Girls' School. The authorities there would not allow Ruth to visit her daughter, for the very minute she got within talking distance, she would begin to revile the officials and to abuse the girl for not having enough "sand" to tell them what she thought of them. She would go up and down the corridors, swearing and threatening. Mabel was finally returned to her home and after several years of loose living, married the son of a well-to-do Italian manufacturer. His family never recognized her. This angered Ruth, so she went to their home, which is in a good part of town, and told them what she thought of "Dagoes" in general and of them in particular. The husband left Mabel, and she is now back with her mother unable to work because of a serious venereal infection.

When Ruth's mother deserted the family, Oran married Catherine McCormack, the daughter of Patrick McCormack and Cynthia Lyons, from Kentucky. Her step-father was Kenneth Briscoe, whose descendants along with those of James McCormack will be described later. By Catherine, Oran O'Brian became the father of 6 children: Adam, Lottie, Leo, Frank, Maggie, and Rose. Catherine McCormack O'Brian died insane. At times she was violent but was never committed to a hospital.

Nothing is known of Adam, the first child of Oran and Catherine. Lottie, the second child, married Hugh Brown, by whom he had 7 children. Five of them have been industrious, self-respecting girls. The older boy was wild when young but is reasonably steady now. Fred, the second boy, is bad. He is now serving a sentence in the Indiana Boys' School for attempted rape on one of his sisters. He is classified there as low normal.

Leo, the third child of Oran, is industrious and fairly well-to-do. His children have been cared for by the Indianapolis Orphans' Home since the death of their mother and step-mother. Leo is normal.

Frank, the fourth child of Catherine and Oran, is an interesting character. Ruth said that he was feeble-minded and had been in the County Poor Farm for a long time. When seen, Frank proved to be a surprise. He was examined by S. L. Pressey, psychologist of Indiana University, and found to be superior in many ways. When a young man, Frank was a student of the old Indiana Academy and of Valparaiso University. For a number of years he taught a rural school. One winter he failed to get a school and seemed to think that he could not do any other thing. He became ill and went to the County Poor Asylum because he could think of no other place to go. According to his own statement, he remained there 12 years. The records do not show this to be true. When asked why he cared to remain when he was able to support himself he replied that he had not thought much about it and was as well off there as in any other place. He has proved every day that he is not there because he does not want to work. He is not satisfied unless he is working on the farm as hard as if it belonged to him. He is capable and trustworthy, so much so that the superintendent of the institution has practically turned over a part of the work to him. He earns money for the county every day that he remains in the Asylum. He did not seem to feel that there was a certain amount of disgrace attached to anyone living in the County House. He certainly is not feeble-minded as his sister says, yet it is not probable that an altogether normal man would be satisfied in the County Poor Asylum if he could possibly be in some other place.

Maggie, the fifth child in this family, was born in 1867.

When young she was considered flighty and high-tempered. She became the mother of an illegitimate child by Gerald Morris. From that time she continued to become more moody and despondent. Her main interests centered about this child, who grew up to be a bad boy. It became necessary to send him to the Indiana Boys' School, and Maggie became entirely unbalanced. At times she was so violent that her relatives feared for their lives, and again she was so despondent that they feared she would take her own life. She was committed to the Southeastern Hospital March 25, 1911, where she received the diagnosis of Melancholia.

George, the son of Maggie, is said to be one of the meanest white men in town. He has served sentences in both the Indiana Boys' School and in the state reformatory. He married the grand-daughter of old Mrs. Kelley, who is his second or third cousin. He deserted his wife and is now working in Indianapolis. He is both alcoholic and licentious.

Mrs. Rose Abbott, the youngest child of Oran O'Brian, is one of the feeble-minded inmates of the County Poor Asylum. Her mental age is 9-7. For many years she has been at the Asylum off and on. She goes out in the spring or summer and returns in a few months as she cannot support herself. She usually comes back with a fresh venereal infection. She was the wife of Glen Abbott and he deserted her after the birth of their son, Jimmie. She has 1 illegitimate son, Sammie, by a Hays man.

Jimmie, the son of Rose and Glen Abbott, was born in 1898 in County H. He is a middle-grade imbecile who has been in the Indiana School for Feeble-minded Youth since July 1, 1907.

Sammie, the illegitimate son of Rose, was born in 1907 at the County Poor Asylum. He is now living with a farmer who intends to keep him. He is a high-grade moron.

James McCormack, the brother of Catherine McCormack O'Brian, married Nancy Lark, a teacher in the old Indiana Academy. They had four children: Joseph, Rachael, Rebecca, and Mary Ann. The son left home as a young man and has not since been heard of. The 2 older girls live in Louisville. Mary Ann first married John Gardner, who later became the husband of Hazel Johnson. Mary Ann was miserable to behold. She has been alcoholic and immoral all her

life. Her last years were spent in misery and poverty. She finally died of tuberculosis and asthma in 1917. By John she had 2 children, Martha and Homer. She then separated from John and married a Calton and James Hall respectively. She was of inferior mentality but could not be called feeble-minded. She herself told that she "inherited a taste for drink, got in with a fast crowd, and married a drunkard, John Gardner". She always lived in poverty as none of her husbands ever had enough ahead to pay for the rent of a decent house. After her death, James Buchannon, the husband, married Mrs. Emmett Keen, who is chartered with the Keens of Township 9 and has been making her a good living. He has 2 children by his former marriage who were placed in a home and placed out from there.

The case of Martha, the first child of John Gardner and Mary Ann McCormack, shows that in most cases it would be more economical to segregate or colonize the feeble-minded woman than it is to allow her to run at large. When a girl, barely in her teens, Martha married Henry Kitson, who never lived with her. In about 6 weeks, her son Elmer was born. In a few succeeding years 4 children said by her mother to belong to Jim Fisher, the father of Ethel Abbott's last child, were born in rapid succession. Two others whose fathers are said to have been Sam Slack and John Tipton, respectively, were next born to Martha. By this time she was about 26 years old and Grant Calvin, a feeble-minded man, became enamoured of Martha's charms and without difficulty obtained license to marry her. They now have 2 small children who can scarcely grow up to be other than burdens on society. Two of the children have died, and 4 were taken by the Board of Children's Guardians and sent to an Orphans' Home.

Homer, the second child of John Gardner and Mary Ann, is another edition of John. He is lazy, alcoholic, and immoral. He feels no compunction when he sees his wife bending over the washboard and cares still less when he sees the empty larder. He often goes off on spees which last several weeks. He has served a long sentence at the Penal Farm. His wife is Mabel Barr, a member of the Moore family of Township 12. They have 3 babies living and 1 dead.

After the death of Patrick McCormack, Cynthia Lyons, his widow, married Kenneth Briscoe, by whom she had 2 children, William and John. William remained in Kentucky so

far as we know, but John came to Indiana along with his half-brother and sister, James and Catherine McCormack.

John was born in 1853 according to his own statement. The first thing we know about him is that he enlisted for the Civil War (this makes him older than the age he gave) and served 5 months. He deserted and 1 year later suffered from sunstroke which was followed by epileptic seizures. He admits having gonorrhea about this time. He married Mabel Moser, of Indiana, in 1888. By her he had 1 child, Fred. He next married Nora Hendricks, of County H., by whom he had the following children: Anna, Raymond, Helen, Lena, John, and George. In 1891 John was committed to the Central Insane Hospital. The county record of his case reads: Always weak-minded — epileptic — his father was weak-minded. His fifth commitment was to the Southeastern Hospital October 9, 1913. His diagnosis there was Insane Feeble-minded. His wife, Nora, is considered one of the most licentious women in her part of town.

Fred, the son of John Briscoe by his first wife, is a mental and moral degenerate. He has always shown criminal tendencies. He is quite a fighter and before he was out of his teens was noted as a bootlegger. He married Edna Franklin, of the McHaley-Johnson-Ross-Franklin group. They lived a cat and dog life for several years and are now separated. He remarried. He is now serving a sentence for keeping a "blind tiger".

Anna, the second child, was not seen. Raymond, the third, is 16 years old. He smokes, steals, lies, and runs away from home. He was never able to get beyond the fourth grade in school.

Helen, the fourth child, is a feeble-minded imp born in 1904. She is undersized and physically inferior in every way. She is licentious. In the spring of 1918 she was arrested for immoral relations with a married man. In August of the same year, she married John Preston, a member of the Ross family. She should undoubtedly be segregated.

Lena, the fifth child of John Briscoe, is a smaller edition of Helen. She has the same undersized, rat-like appearance. Both of them have an "old look" out of their eyes. She has been attending school for 6 years and has accomplished nothing. She is already accused of being immoral. John, born

in 1911, is not claimed by John Sr. He is a miserable looking child who at the age of 7 was not yet able to talk so as to be understood.

This family has been a curse to every neighborhood in which it has ever lived. They have always maintained a house where there has been drinking, fighting, and loafing of disorderly people.

*Summary of the Family of Maggie O'Brian, Many of Whom
Have Been State Institutional Cases*

Maggie O'Brian, insane, Southeastern Hospital.

Mother: Catherine McCormack, insane.

Son: George O'Brian, feeble-minded, criminal, Indiana Reformatory.

Brother: Frank O'Brian, psychopathic, inferior, County Poor Asylum.

Sister: Rose Abbott, feeble-minded, licentious, syphilitic, County Poor Asylum.

Half-sister: Ruth Baker, insane.

Half-niece: Mabel Baker, feeble-minded, Indiana Girls' School.

Nephew: Jimmie Abbott, feeble-minded, School for Feeble-minded Youth.

Nephew: Fred Brown, criminal, licentious, Indiana Boys' School.

Cousin: Mary Ann Gardner, licentious, alcoholic, feeble-minded.

Cousin's daughter: Martha Kitson, feeble-minded, alcoholic.

Husband of Martha: Henry Kitson, feeble-minded, alcoholic, Indiana State Prison.

Cousin's son: Homer Gardner, feeble-minded, alcoholic, criminal, licentious, Penal Farm.

Half-uncle: John Briscoe, insane, epileptic, Southeastern Hospital.

Half-cousin: Fred Briscoe, feeble-minded, alcoholic, criminal, Penal Farm.

Half-cousin: Raymond Briscoe, feeble-minded, criminal, Indiana Boys' School.

Half-cousin: Helen Briscoe, feeble-minded, licentious.

Half-cousin: Lena Briscoe, feeble-minded.

Half-cousin: John Briscoe, feeble-minded.

CHAPTER III. TOWNSHIP POOR RELIEF IN COUNTY H.

THE poor people of County H. have in the past been unusually well cared for. In addition to the relief administered by the township trustees, a Charity Organization Society has been in continuous existence for something like 18 years; a Public Health Association thru its visiting nurse has for 4 years cared for the destitute sick in the county seat and for a few cases in the outlying districts in the county; students of social problems have done practical work under the direction of the efficient secretary of the Charity Organization Society; and under her leadership, many volunteer workers have for years carried on constructive work along with the mere giving of material aid.

The Charity Organization Society has for 18 years been directed by one woman who has devoted her time and energy for the love of the work, with no remuneration beyond that of knowing that her work is well done. Thru her hands has passed an inestimable amount of money, provisions, fuel, and clothing given her for distribution among the needy. The books of the organization do not begin to show the value of the relief given, as the greater part of it has been of such a nature that it is impossible to place a monetary value upon it. Besides the money given, a large amount of clothing has been donated. Much of this has been worn, is perhaps a little soiled, but is usually of good quality. Its worth is not known in dollars and cents, but it is probably worth more to the receiver than all other forms of relief.

The aid given by this organization is far more valuable than that given by the township in that the former agency accompanies its gifts with a personal touch which is not present in the case of the latter. The secretary has 3 or 4 volunteer assistants who have been faithful to the work for at least 10 years, besides the usual number of ardent enthusiasts whose interest in the work is short-lived, and with the aid of these she investigates every call for help and not only supplies the immediate want but stays on the job until that family is in proper condition to help itself. Under her direction an attempt has been made to educate the improvident

classes of the community by teaching them thrift, better methods of work, sanitation, housekeeping, gardening, and buying. In a few cases this work has been highly successful, particularly in those families where the condition is of a temporary nature and due to misfortune. However, in the majority of the families with whom this agency has to deal, re-education of the poor seems to be a hopeless task. Reference is here made to the large number of those continually needing aid who are not only poor and sick but who are mentally defective.

With a few exceptions all the names appearing on the books of the Charity Organization Society are also on the list of the mental defectives of County H. or are members of some county degenerate family group. It seems impossible to instil the idea of thrift into the mind of this group. It has been tried in many ways.

There has been a constant effort to teach more economical buying than is commonly practiced by the more improvident classes. It has been the experience of the secretary that if given money, the majority of people who come for aid will spend it injudiciously for such things as bacon at 50 cents a pound, cranberries, bananas, canned salmon, and plum pudding. They do not know that there is nourishment in the cheaper cuts of meat if properly cooked and that well-to-do people do not hesitate to buy them. It is now the rule of the Charity Organization Society that no money be given out, but that the food be selected according to the needs of the individual family. This method is not always a popular one with those who are to be benefited. To them the Charity Organization Society is a place where there is money to be spent for them, and if they are not allowed to buy in the amount and quality wanted their individual rights are being infringed upon. Bacon they want and bacon they should have. Some of them even go so far as to believe that all which does not go to them is kept by the secretary for her own personal use. A friendly visitor accompanies the basket of groceries in many cases, and detailed instructions are given as to how the food is to be cooked. This plan has been successful only in those cases where the housewife has not been of too low a mental level to profit by the instruction. In the majority of the cases, however, very little good seems to have come from these lessons.

An attempt has been made to encourage those in need of help to raise their own garden vegetables. Seeds have been distributed to those in need with the privilege of using vacant lots for garden spots. In each case where help of this kind was furnished it was suggested to the receiver that the expense was met by the gardening association and was in the nature of a loan which was to be repaid when the products of the garden became marketable. However, by the time the vegetables were ready for use, most of those benefited had forgotten their part of the bargain or had decided that they would not be "cheated out of the fruits of their labor by them rich folks". A few of the gardens were a success in themselves but were not very effective in relieving want. True, there was something to eat in the summer, but little effort was made to preserve the surplus for winter consumption, and the extra money on hand because of the summer saving was foolishly spent instead of being saved for the long, cold winter months.

In the county seat there is now a very busy Public Health Association which thru its efficient visiting nurses is doing much in preventing disease and death among the poorer classes. In this way some of the township poor relief expense is cut down. Among the intelligent poor who are in their present condition because of accidental misfortune, there is much successful work being done in the way of improving sanitary conditions.

An attempt has been made to teach the recipients of clothing to do their own altering. Many people give slightly worn clothing to be distributed by the organization where it is most needed. Much of it needs refitting, and much of it in its present condition is unsuited for the needs of those who are to wear it. A sewing class was organized to teach the young girls to alter this wearing apparel. Every article remade was to be the property of the child doing the work. Here again it was only the bright children who profited by the instruction and the opportunity to contribute something toward their own support. To the others who were invariably of those families who had been "down and out" for generations, the work was dull and uninteresting, so much so that in many cases it was impossible to keep their attention on it long enough to finish one garment.

The charitable agency operating in the county for which we have complete records is the Township Poor Relief. These records cover a period of time extending from 1901 up to the present time.

In looking over these Poor Relief records, the outstanding fact is that many of those people receiving large amounts of aid are the same ones who have been recipients of aid from other charitable agencies. The same names appear repeatedly. Not only are the names of these present mental defectives in the county to be found, but the names of their parents, grandparents, uncles, and cousins appear somewhere on the record.

Table VI is a list of the names of the county defectives whose names appear on the Poor Relief records. This does not mean that all of the mental defectives in the county who have received poor relief are listed. Because of the fact that a person whose name appears is usually not the only one in the family or group benefited by the help given, it is probable that many who have received aid are not on record. The various members of the family are not listed as receiving poor relief, excepting the case of husband and wife, altho in most cases it is certain that they have shared in the material aid given. The second table in this section is a listing of the persons on the records according to family group.

There are 148 mental defectives listed as having received poor relief between the years of 1901 and 1918. Together they have received a total of \$6,682. The following shows how this sum is distributed according to kinds of defect. The first column gives the number of individuals in each class; the second gives the total amount of money paid out to each class; and the third gives the average amount paid the individual according to the grade in which he is classified.

TABLE VI

Moron.....	108	\$5,545.66	\$51.35
Imbecile.....	18	625.27	34.94
Insane.....	15	425.47	28.36
Epileptic.....	5	141.60	28.36

It is interesting to note that the feeble-minded are costing the township more per capita than are the other classes of mental defectives, and that there are 126 of them as compared with 20 of the other two classes. The average cost of each moron for poor relief has been \$51.35; for each imbecile it has been \$34.94; for each insane, \$28.36, and for each epileptic, \$28.36.

TABLE VII

FAMILY	POOR RELIEF	JAIL EXPENSE	COUNTY POOR ASYLUM	TOTAL
Morris.....		\$32 20		\$32 20
Jones-Smith-Brown-Williams.....	\$1,393 49	429 70	\$2,698 00	4,521 19
Franklin.....			4,922 80	4,922 80
McHaley-Johnson.....	479 10	212 90	922 80	1,614 80
Allen.....	195 22		1,022 40	1,217 62
Daily.....			5,568 40	5,568 40
Baker.....	39 53	40 30		79 83
Ross.....	898 13	134 45		1,032 58
Abbott.....	98 00		9,138 40	9,236 40
Slack.....	1,514 61	252 70	1,172 40	2,939 71
Moore.....	232 68	26 40		259 08
O'Brian.....	202 64	333 80		536 44
Mundy.....	187 85			187 85
Davis.....	355 89			355 89
James Mchaley.....	299 43			299 43
Smith.....	135 95			135 95
Roberts.....	314 50			314 50
Adkins.....	316 58			316 58
Skinner-Alvis.....	15 00	33 20	2,680 80	2,729 00
Mills.....	409 45			409 45
Duncan.....	722 48			722 48
Morris.....	60 98			60 98
Lowrey-Burden.....	18 00			18 00
Weimar-Hardy.....	82 91			82 91
Briggs.....	117 90			117 90
Foltz.....	43 44			43 44
Adder.....	18 40			18 40
Denton.....	45 93			45 93
Adler.....	57 42			57 42
Total.....	\$8,255 91	\$1,495 65	\$28,125 80	\$37,877 14

The significant thing shown by these records is not that so much money has been spent for the care of the county mental defectives and that so many defectives have shared in the benefits of that relief, but that the people receiving aid are the same as those recorded on the books of the County Poor Asylum, of the Charity Organization Society, and of

the jail. Not only are their names to be found in these other places, but on the same records are to be found the names of people now dead or living outside the county who are closely related to the present list of mental defectives in the county. This is brought out by Table VII. Whenever 2 or more persons on the records were found to be related, they were grouped together. One hundred and five of the 126 defectives receiving poor relief belong to 1 of 26 groups, leaving only 23 of them who are not related to other mental defectives receiving poor relief. Some of these groups are quite large and are the same groups listed in the chapter describing family groups. Many of them appear on the County Poor Asylum records, and in general the same family groups are both generously represented as partakers of both kinds of relief.

CHAPTER IV. THE COUNTY H. ALMSHOUSE AND ITS POPULATION

THIS almshouse is the dumping-ground for the feeble-minded, the insane, the crippled, the aged poor, and expectant mothers. It is located on a good farm 4 miles west of Stonetown in Township 7. The main building is a large three-story structure both sides of which are built exactly alike altho there are usually only 5 to 8 women and from 20 to 28 men needing room. In addition to the main building there is a small concrete structure in the rear called the jail. Here unruly inmates are locked for punishment, and the insane or dangerous epileptics are detained. The windows are barred. Here John Daily spent a large part of the 27 years he was detained in the County House as a dangerous insane man. His bed is still to be seen in the jail, a mattress secured to the floor. On it have slept Roscoe Jones and Samuel Mills. Women have been kept in there for insubordination. This is not meant for criticism of those in control, but as a criticism of society for placing inmates there who should have been in those special institutions where they could have been properly cared for. The County Almshouse was never intended for a hospital or a place of detention for the mentally sick and the weak-minded. As long as they are put there, the superintendent must care for them the best way he can.

The superintendent of the Poor Asylum is usually one of the most slandered persons holding office. As a usual thing, he has had no experience in managing people, and if he tries to rule with kindness alone, as almost always happens in the first part of his term, the inmates take advantage of him and he has no discipline. It does not take him long to discover that the only way to manage the institution is to keep stern discipline and to enforce his orders at any cost. In the first place, the inmates are of so many classes that even if they were models of conduct while there, he could not care for them properly without a corps of assistants. Then the Almshouse would be turned into something different from the purpose it is intended to serve. In the second place, the classes of people collected there are the least grateful of any on

TABLE VIII. PRESENT INMATES OF COUNTY POOR ASYLUM

NAME	AGE	MENTAL AGE	I. Q.	DIAGNOSIS †	CAUSE	ADMISSIONS	TOTAL TIME IN COUNTY POOR ASYLUM
Abbott, Ethel.....	50	9-9	61	F ¹	Feeble-Mindedness.....	11	Years Months Days 6 3 12
Abbott, James.....	6	5-3	.....	F?	Childhood.....	.....	6 7 29
Abbott, Rose.....	41	9-7	60	F ¹	Feeble-Mindedness.....	5	10 11 27
*Avis, Homer.....	59	7-8	46	F ¹	No work.....	6	3 0 21
Avis, Rose.....	61	7-8	48	I	Insane.....	11	11 4 22
Barr, Daddy.....	74	.....	.....	N	Old age.....	.....	.....
Brant, Chester.....	57	7-0	39	F ²	Crippled body, mind.....	8	14 10 15
Brock, Henry.....	64	12-4	77	N	Sick.....	.....	0 7 0
Bruce, Flossie.....	73	.....	.....	F ¹	Old age.....	1	1 0 13
Burton, Wayne.....	62	.....	.....	N	Paralyzed.....	1	12 10 20
Cates, Agnes.....	57	7-10	49	F ²	Feeble-Mindedness.....	1	4 7 0
Daily, Orville.....	78	11-4	71	N	Old age.....	3	10 4 14
*Franklin, Amos.....	29	.....	.....	F ³	Need of custodial care.....	5	13 9 8
Franklin, Walter.....	27	.....	.....	F ³	Need of custodial care.....	5	15 0 22
Fulk, Ray.....	59	10-6	65	F?	Sickness.....	2	1 7 13
Holman, Mary.....	71	.....	.....	F ³	Helpless.....	1	.....
Knight, James.....	56	6-0	37	EF	Paralyzed.....	1	15 10 5
Lucas, Herbert.....	79	7-4	46	F ¹	Old age.....	6	3 4 25
Miles, Glen.....	52	8-3	52	F ¹	Sick.....	3	1 3 23
Mills, Samuel.....	53	.....	.....	E	Epileptic.....	.....	.....
Morgan, Henry.....	79	6-8	42	F ¹	Old age.....	1	2 9 27
Mulford, Jesse.....	51	.....	.....	I	Custodial care needed.....	.....	.....
Moore, Rose.....	26	.....	.....	F ²	Feeble-Mindedness.....	1	2 2 10
*Nickolson, Ed.....	58	.....	.....	?	Sickness.....	.....	.....
O'Brian, Frank.....	61	15-8	98	N?	Old age.....	2	0 11 4
Sanderson.....	71	8-6	53	F?	Custodial care needed.....	.....	.....
*Shaw, William.....	46	.....	.....	IF ²	Old age.....	1	8 0 0
Thorne, William.....	75	8-4	52	F?	Old age.....	2	2 5 18
Williams, Bob.....	35	.....	.....	F ²	Custodial care needed.....	10	1 10 20

*—Died 1918.

†—F¹, Moron; I, Insane; N, Normal; F², Imbecile; F³, Idiot; E, Epileptic.

earth. They go there when there is no other place for them, and when they arrive they do everything possible to upset the discipline and to oppose those in authority. They growl at the tasks given them; they quarrel among themselves; they have been known to attack the superintendent; they go to town and spread about falsehoods which, if told in the right places, cause trouble for the management; they have filthy, dirty habits brought from their last homes; the feeble-minded women must be constantly watched, and in spite of anything the matron can do, they have the right to leave at any time, knowing that it will be an easy matter to get re-committed. In the few days spent out of the institution they may become pregnant or may return with a venereal infection. Both of these things are common happenings in the history of all county almshouses.

The present population of the County H. Almshouse was carefully studied. The majority of the inmates were given the Stanford Revised Intelligence Scale, the results of which are given in the second, third, and fourth columns of Table VIII. However, no diagnosis was made on the results of the test alone, for the scale in its present form is inadequate when applied to adults. A few were of such a low mental level that it was impossible to test them. The others coöperated nicely with the psychologists doing the work.

Table VIII gives the age of each inmate, his mental age, diagnosis, the number of admissions, and the total amount of time spent in the institution. It shows only 4 to be normal mentally and 5 others to be on the borderline. Nothing is known of Nickolson as he was too sick to be interviewed, and Frank O'Brian is not classified. Almost 52 per cent are feeble-minded and another 19 per cent are epileptic and insane.

Eleven of these inmates have been previously mentioned as belonging to degenerate groups already discussed in connection with the different townships: Bob Williams with the Jones-Smith group; William Shaw with the Cowden family; Ethel, Rose, and James Abbott with the Abbott and O'Brian families; Herbert Lucas with the Whites; Rose and Homer Alvis as connected with the Lookout Ridge population of Township 1; Frank O'Brian with the Group of Institutional Cases; and Rose Moore with the Moore family of Township 12. Of the remaining 17, 7 inmates are known to be re-

lated to other mental defectives not discussed as special cases. Following is a brief sketch of each mental defective in the Poor Asylum.

Chester Brant, 58 years old, has been in the County House for 14 years, 10 months, and 15 days. Since 1896, when he was admitted for the first time, he has entered the Asylum 8 times. Once he left to work but was gone less than a year. On the other occasions of absence, he has gone to visit relatives. He has always been ill the greater part of each year. When 16 years old according to his statement, he had "white swelling" and a few years later suffered from what he says was a spinal disease. At any rate, he was sick for 6 years, and when he became able to move about one leg was drawn up much shorter than the other. One eye is gone. What little work he has been able to do has been light tasks about the farm. He was never able to attend school and can neither read nor write. Nothing is known of his family history except that he has a brother, Noah, who has twice been admitted to the Poor Asylum. Chester's mental age is 7 years, which, taken with his institutional and home history, indicates that the physical condition is the minor cause of his being in the institution.

Bob Williams has been in the Almshouse 10 different times, each stay as a rule being brief, as he does not care for the confinement of a permanent home. His total time there amounts to only 1 year and 10 months, which is scattered all the way from 1901 to 1919. He is usually sent by the court after being arrested for vagrancy. He has no home and does not want one. He is often to be found curled up like a dog in the middle of the street, asleep. He never worries about the cars which might hit him or the trouble people have in going around him. Many times the police have gone to pick up the drunk man reported only to find Bob, taking his afternoon nap. He causes much trouble at the County Asylum, as he is not particular as to whose bed he sleeps upon. Early in his career he was thought to be afflicted with enuresis, but later it was found that he would not disturb himself sufficiently to leave his bed or wherever he happened to be. He once was cured for 2 months after the superintendent and 2 other men slipped a rope about his neck and threatened to hang him to the rafters of the jail. Unless closely watched, he

refuses to eat like a human but stuffs in the food with both hands, often snatching from the other inmates. His family history will be found in the Jones-Smith-Brown-Williams group of Township 7.

James Knight, 56 years old, has been in the Almshouse continually since May 9, 1903. He had previously lived with his sister but had become so troublesome that she could no longer care for him. His epileptic seizures had become more frequent, and he often had to be carried in off the street. During these attacks, as well as directly before and after them, he was very quarrelsome. Each day he was becoming more helpless in both mind and body. He had been a cripple since an illness when he was about 6 years old. He did not become unable to walk, however, until after a bad fall at the Poor Asylum. He attended school until he was 14 years old but has deteriorated until none of his training remains. He has never worked, for he began having convulsions when he was only 14 years old. He has spent a total of 15 years and 10 months in the County Asylum. His mother spent 2 months there in 1904. He is now confined to his chair and has to be helped by the other inmates when it is necessary to move. It is not possible for him to receive the proper care at the county institution or to be anything but a drag on the man in charge.

Henry Morgan, born in 1840, was sent to the County Poor Asylum on May 17, 1916, from Township 8. He had owned a little farm but had deeded it to relatives. After he had used up the money derived, they permitted him to continue to live in an abandoned house on the place. Instead of being grateful, he was all the time stirring up trouble with his benefactors and finally became so much of a nuisance that they had to remove him from the place. He had nowhere to go and was committed to the Almshouse. He is a belligerent old gentleman who wants to tell everyone his troubles. His version is that a certain stone company coveted his land and bought it of his relatives, who had no right to sell it as he had never signed the deed. This latter idea has developed since his admission to the Asylum. Neighbors say that he has always been "a little cracked".

Herbert Lucas was born in an adjoining county in 1838. He has never learned to read or write, and so far as can be

discovered has never learned to work. He married Ella Harvey, sister of Mrs. John Slack. Herbert never had any children. For the greater part of the last 30 years he has been helpless because of a badly ulcerated leg. For years he used morphine, and after the new drug act he almost went wild with pain. His mental age is 7 years and 4 months. Judging from this as well as from his social history, his pauper state is due as much to his mental as to his physical condition. Nothing is known of his family history, but by



Walter Franklin of the County Poor Asylum.

marriage he is related to John Slack, Nora Mundy, and the White brothers. He has been admitted to the institution 6 times and has spent a total period of 3 years and 5 months there. His wife was committed with him the first time he was sent but died in less than 2 months.

William Shaw is an insane imbecile from Township 11 and has been described as a part of the Cowden family. Since his commitment in 1910, he has not left the institution.

Jesse Mulford was sent to the County Poor Asylum in the late spring of 1918. He was the son of Thomas Mulford

and Priscilla East, both of whom were natives of Indiana. Jesse was born feeble-minded and in middle life became unmanageable. He was sent to the Central Insane Hospital in 1907 but shortly returned as improved. He was kept at home until the death of his father in 1918 and then was sent to the County House. His family history shows several departures from the normal. His mother had a brother, James, who was an insane imbecile. She also had a cousin, Mrs. Amos Cantrell, the mother of John Cantrell, a patient of the Southeastern Hospital; Elmer Cantrell, who was at one time a patient of the Central Insane Hospital; and of Mrs. Hazel Henry, an insane borderline case.

Homer Alvis has already been described as a typical quarryman.

The two Franklin brothers are idiots, who, with their sister, Lily, have spent a total of 30 years, 11 months, and 27 days in the Almshouse. They were first sent to the institution in 1898. Lily was taken home after 2 years, but the boys have not left except for brief visits to their home. Computed at 40 cents per day, the expense to the county taxpayers for the keep of these idiots at the County Farm has been \$4,922.80.

Glen Miles, 52 years old, has a mental age of 8-3. He is the son of James Miles, who died in the County Poor Asylum in 1916. Glen has been admitted 4 times in the past 2 years, staying a total time of 1 year, 3 months, and 23 days. The superintendent says that he is there because he is the meanest white man in the county. If he would behave himself, his brother would be glad to keep him. As it is he grumbles about everything that is done for him, is profane and filthy, making it impossible to keep him in a well-regulated house. He has led a dissipated life and now at the age of 50 he is not physically able to care for himself.

Mary Holman is an old woman 71 years old who is blind, deaf, and dumb. In spite of her seemingly helpless condition she is pugnaciously inclined. She tries to fight everyone near her. Each night her shoes and other clothing must be forcibly removed after she goes to bed. Her brother, John Holman, has recently died in the Southeastern Hospital for the Insane.

Flossie Bruce, 73 years old, is a high-grade moron. She is there not because she is unwilling to work but because she

is old and has no home. She does quite a bit of work in the place under supervision.

Rose Abbott has been described as a member of "A Family of Institutional Cases". She has a higher mental age than some of the people who are better able to care for themselves than she. She has spent 10 years, 11 months, and 27 days in the institution up to date. Five times she has tried to live outside the Poor Asylum, but each time she has had to return in a worse condition than in which she left it. She usually comes back with a fresh venereal infection and has to



Rose Moore.

be treated at the expense of the county and cared for by the matron.

Ethel Abbott, the sister-in-law of Rose, has been in and out of the Almshouse since 1898. Most of her children have been born since that time. Like Rose, she leaves the Farm only to bring trouble on society. She and Rose with their children have spent a total of 54 years, 11 months, and 20 days in the Almshouse at a cost to the county of \$7,946.40 computed at 40 cents per day. Besides this amount, township poor relief has been given at times when they have not been in the County House; medical help has been provided and some of the children have been cared for in state institutions.

Agnes Cates is a high-grade imbecile from Township 1 who has been in the Poor Asylum since 1914. She has never been self-supporting but managed to live with relatives most of her life. She does not know her age but says that she was born "before the war". She is related to Harold Franks, of Township 1, who is now a patient of the Southeastern Hospital.

Rose Alvis has already been discussed as a part of the Lookout Ridge population.

Rose Moore, a cretinoid imbecile, on desertion by parents, was placed in the Orphanage at Plymouth, Ind. When she reached the age limit, she was brought back to County H. and sent to the County Poor Asylum, where she will probably remain until she dies. She belongs to a large family of mental defectives. Her mental age is about that of a five-year-old child, which, added to her bad sex tendencies, tends to make her very much of a social problem.

The records of the institution give an indication that the past population has been pretty much like that of the present. Of the 498 persons received there, 133 are known to have been mental defectives found in this survey or to be mental defectives related to those now living. The remaining 365 are unknown except that not more than a dozen are known to be normal. The average age of this group is much older than that of the other, altho the exact figures cannot be given because of incomplete records. In the case of the present inmates, the age of the normal group is 61.5 years at the time of the first admission and that for the defective group is 42 years. The number of cases is too small on which to base a conclusion, but the indication is that the normal paupers go to the Almshouse only when it becomes the only thing for them to do, and the other group gets there much earlier in life because competition is stronger for them than for the normal members of society. Another fact which stands out in going over these records is that the feeble-minded group does not stay in the institution after being placed there. The record shows that one notorious female pauper has been admitted 11 times. It seems that they go out to try making their own living but soon decide to return. There they stay until warm weather comes again or they become tired of the discipline. The normal inmates are there,

as a rule, because of old age or because they are homeless cripples. They do not give up the struggle until it is impossible for them to fight longer, and when they do go to the County Asylum they stay until death.

As the institution now exists in County H., it is more of a detention home for mental defectives than anything else. They are not being properly cared for because the institution is not built for that purpose. There is no way of caring for the sick inmates who should be in hospitals, for the insane who should be in special institutions, or for the feeble-minded who should be in self-supporting colonies. If it is impossible to send each inmate to that kind of an institution best suited to his condition, the feeble-minded, especially the women, should be prohibited from leaving the institution except by the permission of some person in authority competent to decide whether or not that person is capable of competing on equal terms with his neighbors.

CHAPTER V. CRIMINALITY OF THE COUNTY H. DEFECTIVES AS SHOWN BY THE JAIL AND THE JUVENILE COURT RECORDS

OF the persons whose names appear on the list of the County H. defectives, 84 are on the records as having been in jail one or more times. Of these, 23 have been there not because of any crime committed, but because they were compelled to wait there until transferred to the hospital for the insane.

Besides these there is a large number of persons recorded as having been in jail who belong to the same family groups as do many of the mental defectives in the county. There are many more in this latter class than in the former.

The mental defectives of County H. do not figure so prominently on the jail records as they do on those of the poor relief. Not nearly so many of them are on record, and those who do appear are not recorded again and again as are those on the other records. Out of a total of 84 mentally defective jail cases, 43 appear 1 time only; 11 appear twice; 6 appear 3 times; 4 appear 4 times; 7 appear somewhere between 4 and 10 times; 9 appear somewhere between 10 and 20 times, and 3 appear between 20 and 30 times.

These defectives have cost the county \$1,025.10 in the form of in-and-out fees, board, and bed in jail. This sum is much larger if the family groups are considered.

The majority of commitments have been for trivial offenses, such as intoxication, vagrancy, disturbing the peace, and sex offenses. Table IX gives a list of all the offenses committed by the mental defectives arranged according to frequency. Of these arrests, 535 are due directly to liquor as shown by the wording of the charge, and many others are probably due to the same cause, such as the disturbing of the peace, fighting, profanity, vagrancy, and being a public nuisance. A large number of other crimes are those against sex and are recorded as prostitution, association, bastardy, fraudulent marriage, and rape. Of the more serious crimes, only 3 of the defectives have been charged with murder, 3 with grand larceny, and 1 with arson.

TABLE IX. CRIMES ARRANGED IN ORDER OF THEIR FREQUENCY

Intoxication	502	Grand larceny	3
Insanity	69	Jumping trains	3
Prostitution	48	Bastardy	3
Assault and battery.....	47	Rape	3
Vagrancy	34	Nuisance	3
Petit larceny	32	Murder	3
Peace disturbance	29	Non-support	3
Gambling	23	Liquor to minors.....	2
Associating	23	Shooting in town.....	2
Blind tiger	21	Old fines	2
Assault	14	Contempt	2
Bootlegging	10	Bad character	2
Robbery	8	Arson	1
Fighting	7	Concealing stolen goods.....	1
Desertion	6	Peace bond	1
Incorrigibility	6	Fraudulent marriage	1
Profanity	5	Bad company	1
Concealed weapons	5	Perjury	1
Escaped jail	5	Witness	1
Loitering	5	Feebleminded	1
Forgery	4	Epileptic	1
Beating board bill.....	3	Poluting a stream.....	1

While this is no place to go into the jail records for the entire county, it is interesting to note that those people who are charged with the most serious crimes, as well as those who are arrested most frequently on such charges as intoxication and disturbing the peace, are not those persons listed as feeble-minded nor are they relatives of mental defectives. Many of them in their sober state are high-class workmen commanding good wages and never out of work except as a direct result of intoxication.

The Juvenile Court Records

Since its establishment in 1908, 142 cases have passed thru the hands of the Juvenile Court. Of these, 13 are on the list of County H. mental defectives, and 17 are related by ties of blood to mental defectives. The names of the defectives on these records are as follows:

TABLE X

Abbott, Ethel.....	contributing	Clasp, John.....	assault
	to delinquency of son	Freeman, Alta.....	no home care
Alger, Rose.....	incorrigible	Fulton, Betsy.....	incorrigible
Appleton, Rose.....	incorrigible	King, Mabel.....	incorrigible
Beam, Gertrude.....	truancy	McHaley, John.....	petit larceny
Briggs, Elmer.....	petit larceny	McHaley, Louis.....	petit larceny
Cain, Goldie.....	incorrigible	Smith, George.....	larceny

TABLE XI. RELATIVES OF MENTAL DEFECTIVES WHO HAVE BEEN IN JUVENILE COURT

<i>Slack Group</i>	<i>Other Relatives</i>
Burk, Glen petit larceny	Baker, Mabel truancy
Grant, David truancy	Briggs, Elmer petit larceny
Grant, Gladys throwing rocks	Burden, Lester stealing
Hazen, Glen incorrigible	Galloway, Helen rock throwing
Slack, George petit larceny	Galloway, James
	Jones, Homer no home
	Jones, Walter no home
	Lowman, Jules larceny
	O'Brian, Elmer larceny
	Parks, James larceny
	Skirvin, Herschel truancy
	Toban, Kenneth truancy
	Toban, Robert truancy
<i>McHaley-Johnson Group</i>	
Freeman, Alta no home care	
McHaley, John petit larceny	
McHaley, Louis petit larceny	

The majority of the juvenile court cases are probably due to bad home conditions as much as to any other cause. They are the crimes or misdemeanors which are likely to be committed by any child unless properly restrained by his parents. There seems to be no person on the list where there is a decided tendency toward criminality excepting in the cases of Glen Burk and Jules Lowman, who have a long criminal history in spite of their youth. Each of these boys comes from a family where there has been a criminal environment. Each has close relatives who have served sentences, and from earliest childhood there has been a constant encouragement to leave the straight and narrow path. This has been especially true in the case of Glen Burk, whose full history is given in connection with the Slack family. In the other case, the immediate family is much better than that of Glen, but there is a long history of mental defect, alcoholism, prostitution, and crime on both sides of the other family. There has been an unusual amount of petty thievery thruout the family.

It would seem, in view of the facts shown by these records, that mental defectives are not so likely to get into trouble as are individuals who do not fall in this class. While the defectives and their relatives have cost a considerable amount of money and time because of petty offenses, they have not, in comparison with persons not in this class, cost their share. For, as mentioned before, those who have been arrested the largest number of times are for the most part laborers who because of an uncontrolled appetite for liquor are frequently taken up for intoxication, peace disturbance, vagran-

cy, and profanity. It is true that there is undoubtedly something abnormal with these individuals, but it would seem that the trouble is more that of the emotions than of mentality.

TABLE XII. OCCUPATIONS OF COUNTY H. MENTAL DEFECTIVES⁴ ABOVE AGE OF 14 YEARS

OCCUPATION	F ¹	F ¹ C	F ²	F ² C	F ³	F ³ C	I	IC	E	EC	Total
School.....	28	29	1	3					3	1	65
Housewife ¹	1						1		2		4
Housewife ²	15	6	2				1	1	6	2	32
Housewife ³	32	15	3	1			2	4	2	1	60
Farmer ¹							2				2
Farmer ²	10						3	3	3		19
Farmer ³	2	1					2	2			7
Farm tenant.....	5	2		1					1		9
Farm help.....							1		4	2	7
Washing.....	17	10									27
Day labor.....	28	12					2	3	4		49
Odd jobs.....	16	14	6	3			1	1	1	3	45
Barber.....	1										1
Peddler.....	1										1
Junk collector.....	1										1
Water carrier.....	1										1
Domestic.....	1	6							1		8
Wood chopper.....		1									1
Dishwashing.....				1							1
Seamstress.....									1		1
Carpenter.....									2		2
Boarding house.....								1			1
Janitor.....								1			1
Unknown.....	4						1				5
None.....	20	21	8	6	8	1	7	12	9	5	97
Total.....	183	117	20	15	8	1	23	28	39	14	448

¹ The small figures following housewife and farmer denote relatively the degree of efficiency.

² Farm tenant is one who lives on the farm and as a rule is hired by the year.

³ Farm help refers to the individual who does only an occasional day's labor on the farm.

⁴ F¹=Moron; C=needing institutional care; F²=imbecile; F³=idiot; I=insane; E=epileptic.

CHAPTER VI. OCCUPATIONS OF THE COUNTY H. MENTAL DEFECTIVES

It has long been recognized that many of the feeble-minded can be made self-supporting in a relatively simple environment if properly trained for the things which they can best do. This is being done for a small number of these unfortunates in some of our institutions. The boys are taught farming under supervision and simple trades, while the girls learn various tasks under the direction of a domestic science teacher. Thus they earn their keep, whereas if turned loose on the world they would quite likely become dependents.

Very little is being done in the way of educating the mental defective to earn his own living. Our laws compel him to attend the public schools until he is 14 or 16 years old, where he is put thru the same tasks as are the normal children. He remains in the same grade for 2 or 3 semesters or until the teacher is tired and ready to push him onto the next instructor. As a result he ends in the fourth or fifth grade with nothing in his head to show for the long years of wasted time, the wasted time of the teacher and of the other pupils. All has gone into one ear and out at the other. He is turned loose with no training and along with his brothers and sisters goes into unskilled labor—maybe. Sometimes a life-long profession of idleness begins immediately. If he is lucky enough to reside some distance from town, he will probably “get by” as a farm tenant, the kind that moves every year.

In County H., out of 704 mental defectives, 447 are above 14 years of age. These are classified according to their diagnosis and occupation in Table XII. Of these, 65 are still in school and are eliminated from the following discussion, leaving 382. None of those remaining have received any special training for their work but are doing whatever they have drifted into. There are 94 engaged in unskilled labor and odd jobs, while only 4 are doing work that might be classed as a trade—a seamstress, barber, and 2 carpenters.

Of the 382, 97 have no occupation. Of these, 9 are idiots and cannot be expected to work; 5 of the 14 imbeciles cannot

work, while 9 of them could be partly self-supporting under the proper conditions; 11 of the 14 epileptics are incapable of work of any kind; and of the 19 insane, 10 are unable to work. Thus only 36 per cent of those defectives without an occupation are really unable to work while 65 per cent are capable of supervised work.

CHAPTER VII. HOUSING AND HOME CONDITIONS OF COUNTY H. DEFECTIVES

IN doing the field work in an investigation of this sort, one of the things which stands out prominently is the close correlation between the feeble-minded and the kind of house which he occupies. Unconsciously certain types of dwellings come to stand for the people who live within them and are thought of as "feeb" houses. In the majority of cases this "feebness" can be detected from the outside. When this is not true it is usually due to the efforts of members of the family who are not defective. In fact, the state of the dwelling seemingly indicates, in a surprising number of cases, the general level of intelligence. This statement does not mean that a sure and easy way of detecting subnormal families has been discovered. It alone by no means determines the mental status of an individual but goes a long way toward describing the level of the family as a whole or of that part of the family responsible for the home.

In the following tables are to be found some statistics on 50 rural and 50 urban homes which have all been visited by the writer. The cases are not selected ones except that the homes visited by the workers other than the writer are rejected. These homes are all those of feeble-minded persons. One home is not described more than once when it happens to be the home of more than one defective. The urban cases are from the city of Stonetown, and the rural ones are taken from Townships 1, 5, 7, and 12. These homes are not necessarily owned by the individual but may belong to some member of the family. For example, it cannot be said that a certain home belongs to Elizabeth McHaley, idiot, but it belongs to her parents. The facts set forth in these tables are—ownership of home; how acquired; number of rooms; amount of rent; condition of home and house; number in family; neighborhood; standard of living and whether or not the family is self-supporting. This latter is based on the records of the charitable agencies.

The Ownership of the Home

The first big difference which stands out between the urban and rural group is in the matter of home ownership. In the country, 35 of the feeble-minded own their homes with the accompanying farms. Of these, 32 have inherited their homes while only 3 have acquired the property in their lifetime. Of these 3, Susie Flood and her husband bought a little place among the hills where land is cheap and not worth much as farm land. This is the kind of land where defectives are usually to be found. James Dorman, a normal man, settled in Township 12 with his epileptic wife and is now rearing his feeble-minded children there. The third case, Leona Forster, is living on a farm purchased by her husband, a normal member of a defective group.

Of the 15 who do not own their own homes, 9 are farm tenants; 4 are living in out-of-the-way places where they can earn their living by cutting wood, making ties, etc., and 2 are living in shacks where they do not have to pay rent. It is very doubtful if any of this group of 15 pay rent regularly. Some of them undoubtedly do not.

In town, competition is much stronger, and we find few of the feeble-minded owning their homes. Out of the 50 in this group, only 12 as contrasted with the 35 of the other group own their homes. There are 38 who do not own their homes. Of the 12 owning property, 5 are members of well-to-do families. The other 7 homes have been acquired as the result of toil and the oversight of persons interested in social work. They are all little box houses, hardly worthy of the name of dwelling.

Kinds of Houses

There are a few differences between the urban and the rural houses which stand out prominently. It has already been pointed out that more rural defectives own their homes than do those of the city. Also that those owning their homes in the country do so thru no effort of their own, since the property is usually some of that entered by an ancestor. There is not so much difference to be found in the kinds of houses. Both box and frame houses are to be found in both rural and urban localities. Also log houses are to be found in the country and a number of brick and concrete in town.

Out of 50 rural homes, 20 are old-fashioned log houses. They are the homes erected by the original settlers of the country. A few of them are still in good condition; many of them are rapidly going to pieces. Those left standing and now in use as a rule consist of 2 small rooms, poorly lighted



Home of two feeble-minded families of the Jones-Smith group.



An Old Log House.

and still more poorly ventilated. Some of these houses which originally consisted of only 1 room have within recent years had a "lean-to" added. Most of these additions have been on the box order.

In the poorer districts, the newer homes are practically all on the order of the box house. By a box house is meant a small square or rectangular cabin, cheaply constructed of

boards placed up and down. Many of them are not ceiled inside, and are very hard to keep warm in winter and cool in summer. In some cases the boards have pulled apart, leaving cracks which must be stuffed with paper and old rags in winter. Of these rural box houses, 10 have only 2 rooms; 1 has 1 room, and 3 have 3 rooms. The majority of the tenant houses are of this kind.

The small frame house is now being built by those who can afford something better than the box house. These are an improvement on both those of logs and boards. In the first place, they are larger, having an average of 3.5 rooms as compared with 2.3 rooms of the log and the 2.1 rooms of the box houses. In the second place, they are better ventilated and lighted than the other types, which usually had a front and a back door with no glass and one window in each end of the house. This means only 1 window per room for those houses with only 2 rooms. The rural frame cottage does not differ from that one of town. It is well lighted and fairly well arranged inside.

In no case is the home in the country occupied by more than 1 family. Oftentimes the family is large considering the amount of room in the house, and sometimes distant relatives make their home with the household, but always there is only one well-defined family.

This is quite different from the city, where there is a large number of four-room houses which are always rented double. They are for the most part frame houses. They are to be found in a few districts where 3 large property-owners possess whole blocks of them. In one section of the city called "Bucktown", practically all the houses rent to more than 1 family. Oftentimes 3 of these houses will be built on 2 lots and the common garden spot with 1 dilapidated outside closet serves the 6 families. Of the 50 urban houses 27 are frame as compared with the 16 frame houses in the country. Of these 27, 10 are occupied by 2 families, 2 by 3 families, and 1 by 4 families. Six of those which at the time of the survey were occupied by only 1 family had usually been occupied by 2 families. These four-room double houses are an abomination on the face of the city. In the first place, they are not built for 2 families, and for that reason there is not the privacy which should be in every home. The 2 families use in com-

mon the well or cistern, the porches, the outside closets, and the yard. This congestion is worse in many cases than is usually found in the small double house because of there being 2 houses built on the same lot.

One would expect the rent of these houses to be at a minimum, especially for those which are in such bad repair. The average number of rooms, as has been stated before, is 2 and for those 2 small, ill-smelling vermin-filled rooms, the occupant is expected to pay at least \$4. I know of none renting for less than this amount. The average rent for these double houses is a little more than \$2 per room. Considering the poor condition of the property, this is rent at a higher rate than is paid in the better parts of town for well-kept houses. The average rent based on the whole 50 of the urban houses is \$1.52 per room. This not only means that the poor of Stonetown are paying more in proportion to what they receive than are those renting expensive property, but that a few unscrupulous landlords are making enormous profits on a small investment at the expense of the ignorant who are unable to help themselves.

Practically all of these double houses are in bad condition. Many of the windows have been knocked out and the openings have been covered with boards nailed across; many of the roofs leak to such an extent that washing tubs have to be placed to catch a part of the rainfall which goes thru. The writer has personally seen homes where, in times of hard rain, the furniture of an entire room would have to be removed. Cases are known where 1 of 2 rooms had to be abandoned permanently for this reason, and yet the poor ignorant renter had to go on paying for both rooms. In another district a renter of such a house as has been described lost 2 small children of pneumonia. The visiting nurse on the case said that the sole reason for the death was that the owner of the house would not repair the roof and that every time it rained the bedroom floor became flooded. The owner of this house also possesses 38 other such pieces of property in the town.

Of the city houses, 13 are of the box type. There is very little difference between them and the box house in the country. They are usually of 2 rooms each, loosely constructed of boards running up and down with no protecting weather-



Homes where live families of low mentality.



Two homes where live members of the Burns family.



The Home of Three Feeble-Minded Families.

boarding. Some of these could have been fairly decent places in which to live when new but as the renters have moved in and out, they have become unfit for human habitation. One of the worst of these is to be found on S street where Luke McHaley and his family lived at the beginning of the survey. The house is a little red frame located in one of the worst districts in town. The porch roof has fallen in and the floor is minus a large number of the boards. The 2 rooms on the north are those occupied by Luke, Frank, and Louis McHaley and Nellie Freeman. These are very dark, due to the fact that all the window panes have been broken out and have been replaced by wood and tin. The plaster has fallen from the wall and ceiling, leaving only a few splotches to show that at some time there has been some there. The whole of the inside has during the years become a dull, dirty, dingy grey color. On close examination, hundreds of fly specks appear, and myriads of tiny bugs of a very objectionable kind can be seen wending their way up and down the walls. The south half of the house is occupied by 2 colored families. The family in the front room consists of a man and his prostitute wife. This room is the scene of quarrels and fights every night. The back room is rented by another colored family who until the time of prohibition in Indiana kept a "blind tiger".

On another street are to be found rows of box houses which are rented at from \$5 to \$8. These consist for the most part of 3 rooms, a part of which number cannot be used in wet weather. It is impossible to get the landlord to make repairs, and the property goes from bad to worse each year with no accompanying decrease in the rent.

Another bad example of the box house is the shack shown in the illustration which is usually occupied by some member of the Jones-Smith group. This house has at some time consisted of 2 whole rooms but now has only 1 with a "lean-to" at the end. In it lives Goldie Smith Jones with her daughters Daisy and Nellie, her son Otto, her mother Margaret, and Mabel, the eleven-year-old child of Russel Smith. Oscar Smith also spends a part of his time in the house. Goldie and her daughters are notorious prostitutes, Margaret is paralyzed, and Otto is a paralytic imbecile who seldom moves out of the house. Yet they all live in that 1 tiny room thru the winter as they are unable to use the shed except in mild weather.

There are a few houses in which more than 2 families live and in which some of our 50 families live. There are 3 of these which deserve special mention. Probably the worst in this class is an old brick commonly known as "the old Poor Farm". It is a rambling old place composed of 7 large rooms all on the ground floor. At one time there were as many as 7 families in that house alone. The place is not really fit for human habitation. The windows are broken, the floors are bad, the roof leaks, and the doors sag. The house is damp and even the soil in the yard is too sour and moldy to raise grass. This is due to the hundreds of tubs of soapy water which have been poured out of the doors into the yard. The building seems to be a haven for immoral women and deserted wives with families. Most of them rent only 1 room and live there in squalor and misery. All the families are more or less dependent on charitable agencies of the town, and some of them have no other means of support. In 1917 the house was full with not a man living there. They all went out to wash and clean each week, but none of them could make an entire living. Three of the women were immoral, but evidently did not try to commercialize their vice,

An example of the small town tenement is a house which has been known to hold 1 family per room. It is a small frame house which looks fairly well on the outside and is located among good homes. At the present time 2 of the families are Albert Jones and his wife, Angeline Hancock, who have 2 back rooms, and John Hancock, who, with his father Harvey, have another room. The 2 other families in the house are unknown.

The condition of the houses as structures has already been described. The condition of the home is quite a different thing. It depends largely on the ability of the one responsible for the making of that home. In the large tables the condition of the home has been indicated by means of digits. 1 means that the home is kept immaculate; 2 means good; 3 means poor, and 4 means that it is kept very poorly. (See Table XIV.) This is not a very satisfactory way of describing the homes for it depends too much on the personal judgment of the field worker. This in turn is based on her impressions and observations. This is the lowest level of scientific measurement, but it is better than no measurement at all in the present case.

TABLE XIII. URBAN HOMES¹

NAME	Owms Home	Rent	No. of Rooms	Con- dition of Home	Condition of House	No. in Family	Lodgers	Neighborhood	Living Standards	Self-supporting
Adkins, Martha.....	yes	.....	3	3	frame, poor.....	4	.....	urban, very poor.	poor.....	no
Baker, Edgar.....	no	\$5	3	4	frame, poor.....	5	.....	urban.....	very low	no
Baker, Lucy.....	no	8	4	2	concrete, good.....	5	.....	urban, fair.....	poor.....	yes
Barr, Flossie.....	no	4	2	4	box, very bad.....	4	.....	urban, very poor.	very low	no
Barton, Stella.....	no	5	2	3	box, poor.....	2	.....	urban, very poor.	very low	no
Bennett, Anna.....	no	5	3	4	frame, poor.....	6	.....	urban, very poor.	very low	no
Book, Thomas.....	yes	.....	1	.....	box, good.....	1	.....	urban, fair.....	poor.....	no
Briscoe, Nora.....	no	5	3	3	box, poor.....	7	.....	urban, very poor.	very low	no
Burk, Eva.....	no	8	3	3	frame, good.....	6	1	urban, fair.....	poor.....	no
Calvin, Martha.....	no	7	3	3	frame, poor.....	6	1	urban, very poor.	very low	no
Christy, Josephine.....	no	6	4	2	frame, poor.....	12	.....	urban, poor.....	poor.....	yes
Corder, Alice.....	no	6	3	4	frame, very bad.....	5	.....	urban, very poor.	very low	no
Coulter, Esther.....	no	6	3	4	frame, poor.....	5	.....	urban, very poor.	very low	no
Coulter, Violet.....	yes	.....	2	4	box, very bad.....	9	1	urban, very poor.	high.....	yes
Crist, Fred.....	yes	.....	10?	1	frame, excellent.....	4	.....	urban, excellent.	very low	no
Duncan, Julia.....	no	4	1	4	brick, very bad.....	6	.....	urban, very poor.	high.....	yes
Edwards, Laurence.....	yes	.....	5	1	frame, good.....	4	.....	urban, fair.....	good.....	yes
Endon, Charles.....	no	?	1	4	attic of barn, poor.....	1	.....	urban, very poor.	very low	no
Farley, Howard.....	yes	.....	11	1	frame, excellent.....	4	.....	urban, excellent.	high.....	yes
Foltz, Laura.....	no	?	7	3	frame, fair.....	8	.....	urban, fair.....	poor.....	no
Forster, Martha.....	no	7	5	1	frame, good.....	6	.....	urban, poor.....	good.....	no
Freeman, Alta.....	yes	.....	5	2	frame, good.....	4	.....	urban, very poor.	poor.....	yes
Galloway, Della.....	no	4	2	3	box, poor.....	4	1	urban, very poor.	very low	no
Gardner, John.....	yes	.....	2	4	frame, very bad.....	3	.....	urban, poor.....	very low	yes
Gardner, Mabel.....	no	5	2	3	box, very bad.....	5	.....	urban, very poor.	very low	no

TABLE XIII—Continued

NAME	Owms Home	Rent	No. of Rooms	Con- dition of Home	Condition of House	No. in Family	Lodgers	Neighborhood	Living Standards	Self-supporting
Grant, Cassie.....	no	4	2	4	frame, poor.....	4	.....	urban, very poor.....	very low	no
Grubb, Goldie.....	yes	.....	2	4	box, poor.....	2	.....	urban, very poor.....	very low	no
Hancock, Harvey.....	no	4	1	4	frame, fair.....	2	.....	urban, fair.....	very low	no
Heaps, Grace.....	no	7	2	3	box, very bad.....	2	1	urban, very poor.....	very low	no
Harter, John.....	no	5	4	4	frame, poor.....	10	.....	urban, poor.....	very low	no
Hite, Janet.....	yes	.....	14	2	frame, good.....	6	.....	urban, excellent.....	high.....	yes
Jasper, Minnie.....	no	5	2	4	frame, very bad.....	4	1	urban, poor.....	very low	no
Johns, Ada.....	no	4	2	4	box, very bad.....	4	.....	urban, very poor.....	very low	no
Jones, Angeline.....	no	5	2	3	frame, poor.....	2	.....	urban, good.....	very low	no
Jones, Goldie.....	no	5	2	4	box, very bad.....	6	.....	urban, very poor.....	very low	no
McHaley, Frank.....	no	4	2	4	box, very bad.....	4	.....	urban, very poor.....	very low	no
McHaley, James.....	no	7	4	4	box, very bad.....	4	1	urban, very poor.....	very low	no
Mundy, Nora.....	no	5	2	4	frame, very bad.....	3	.....	urban, poor.....	very low	no
Myers, Bessie.....	no	4	2	3	box, poor.....	5	.....	urban, very poor.....	very low	no
Patterson, Thelma.....	no	5	2	4	frame, good.....	3	.....	urban, poor.....	very low	no
Philips, Margie.....	no	6	3	4	frame, poor.....	7	.....	urban, very poor.....	very low	yes
Roberts, John.....	yes	.....	2	4	frame, poor.....	2	.....	urban, very poor.....	very low	no
Ross, Sam.....	no	7	3	3	box, poor.....	2	.....	urban, very poor.....	very low	no
Rumple, Goldie.....	no	4	2	4	box, poor.....	3	.....	urban, very poor.....	very low	no
Sample, Goldie.....	no	6	4	2	frame, good.....	3	.....	urban, poor.....	poor.....	no
Saxon, Anna.....	no	6	3	3	brick, good.....	8	.....	urban, poor.....	poor.....	no
Shoemaker, Bessie.....	no	9	4	2	frame, good.....	6	1	urban, poor.....	poor.....	no
Shanks, Lon.....	yes	.....	3	3	frame, good.....	4	.....	urban, poor.....	poor.....	yes
Skirvin, Al.....	no	6	4	2	frame, poor.....	12	.....	urban, poor.....	poor.....	yes
Slack, John.....	no	4	2	4	frame, poor.....	3	1	urban, very poor.....	very low	no

RURAL HOMES

Andrews, George.....	yes I	.....	4	3	log, good	4	.....	rural, fair.....	poor.....	yes
Davis, Jane.....	no	.....	2	4	box, poor	5	.....	rural, very poor..	very low	yes
Davis, Paul.....	no	?	4	2	frame, good.....	7	.....	rural, poor.....	poor.....	yes
Davis, Sam.....	yes I	.....	.....	.....	.....	.....	.....	.....	very low	yes
Dolsen, Helen.....	yes I	.....	2	4	box and log, poor	9	1	rural, very poor..	very low	yes
Dorman, Estie.....	yes B	.....	2	3	box, poor	4	.....	rural, poor.....	very low	yes
Easton, Alice.....	yes I	.....	4	4	frame, good.....	7	.....	rural, fair.....	poor.....	yes
English, Belle.....	no	6	4	4	frame, very bad..	4	.....	rural, poor.....	very low	yes
Evans, Mrs. John.....	no	none	2	4	log, very bad.....	5	.....	rural, fair.....	very low	no
Flint, Bertha.....	yes I	.....	3	4	box, very bad.....	5	.....	rural, fair.....	very low	no
Flood, Suzie.....	yes B	.....	3	4	log, good.....	.....	.....	rural, fair.....	poor.....	yes
Franklin, Clara.....	no	.....	3	3	frame, good.....	4	.....	rural, poor.....	poor.....	yes
Foster, Elizabeth.....	no	?	2	4	box, poor.....	7	.....	rural, fair.....	very low	no
Foster, Leona.....	yes B	.....	4	3	log, poor.....	5	.....	rural, very poor..	very low	no
Hanson, Ben.....	yes I	.....	2	4	frame, good.....	4	.....	rural, fair.....	poor.....	yes
Hays, John.....	no	.....	2	4	log, poor.....	5	.....	rural, very poor..	very low	yes
Hazen, James.....	no	.....	2	4	log, poor.....	7	.....	rural, fair.....	poor.....	yes
Jackson, Earl.....	yes I	.....	2	4	box, very bad.....	2	.....	rural, poor.....	very low	yes
Jackson, Homer.....	yes I	.....	2	4	box, poor.....	5	.....	rural, poor.....	very low	yes
Johnson, Sol.....	yes	.....	3	4	log, poor.....	3	.....	rural, very poor..	very low	yes
Jones, Bessie.....	yes I	.....	3	4	box, poor.....	4	.....	rural, poor.....	poor.....	yes
Jones, Curt.....	no	.....	2	4	log, poor.....	7	.....	rural, very poor..	very low	yes
Jones, Caroline.....	yes	.....	1	4	log, very bad.....	3	.....	rural, poor.....	very low	yes
Jones, Sadie.....	no	.....	2	2	log, poor.....	.....	.....	rural, very poor..	poor.....	yes
Jones, Sallie.....	yes	.....	2	4	log, very bad.....	11	.....	rural, poor.....	very low	yes
Lant, Philip.....	yes I	.....	2	3	log, fair.....	2	.....	rural, very poor..	poor.....	yes
Lawson, George.....	yes I	.....	2	4	box, poor.....	8	.....	rural, very poor..	very low	yes
Lawson, Scott.....	no	4	3	2	log, good.....	7	.....	rural, very poor..	poor.....	yes
McClure, James.....	no	6	2	4	box, fair.....	8	.....	rural, very poor..	poor.....	yes
McHaley, Elizabeth.....	yes	.....	4	3	frame, fair.....	4	2	rural, good.....	poor.....	yes
McHaley, Myra.....	yes I	.....	7	1	frame, excellent..	5	.....	rural, good.....	good.....	yes
Miller, Rolla.....	yes	.....	2	4	log, poor.....	.....	.....	rural, very poor..	very low	yes
			5	2	frame, fair.....	3	.....	rural, good.....	good.....	yes

TABLE XIII—Continued

NAME	Owms Home	Rent	No. of Rooms	Con- dition of Home	Condition of House	No. in Family	Lodgers	Neighborhood	Living Standards	Self-supporting
Moffit, Ada.....	yes I	.....	1	3	box, good.....	3	.....	rural, poor.....	poor.....	yes
Morris, Gladys.....	yes	.....	4	3	frame, fair.....	5	.....	rural, poor.....	very low	yes
Morris, Mose.....	no	.....	3	4	box, poor.....	3	.....	rural, very poor..	very low	yes
North, James.....	yes I	.....	3	2	box, fair.....	5	.....	rural, very poor..	poor.....	yes
Reed, John.....	yes I	.....	4	4	log, poor.....	.....	.....	rural, poor.....	poor.....	yes
Smith, Catherine.....	yes	.....	2	4	log, very bad.....	2	.....	rural, very poor..	very low	yes
Smith, Charles.....	yes	.....	6	2	frame, good.....	7	.....	rural, very poor..	good.....	yes
Smith, Edward.....	yes I	.....	3	3	frame, fair.....	8	.....	rural, poor.....	poor.....	yes
Smith, Homer.....	yes	.....	7	4	frame, poor.....	12	.....	rural, very poor..	very low	yes
Smith, Minnie.....	yes I	.....	2	4	log and box, poor.	4	.....	rural, very poor..	very low	yes
Storen, Willie.....	yes	.....	3	3	frame, poor.....	2	.....	rural, good.....	poor.....	yes
Temple, Jamie.....	yes I	.....	3	2	frame, good.....	2	.....	rural, poor.....	poor.....	yes
Woods, John.....	yes I	.....	2	4	log, poor.....	6	.....	rural, very poor..	very low	yes
White, Florence.....	no	?	7	4	frame, good.....	2	.....	rural, poor.....	very low	yes
Wilson, Dan.....	no	.....	2	3	box, fair.....	10	.....	rural, poor.....	very low	yes
Woods, Mrs. John.....	yes I	.....	4	4	frame, fair.....	6	.....	rural, poor.....	very low	yes
Woods, Martha.....	yes I	.....	3	3	log, poor.....	5	.....	rural, poor.....	very low	yes

¹ I= inherited, B=bought.

In the beginning of this section, the statement was made that some dwelling places stood out as "feeb houses". A great part of this "feebness" depends on this condition of the home which has been divided into 4 classes. Knowing that this concerns only the houses where the feeble-minded are to be found, we are not surprised to see the frequency of the digit 4.

TABLE XIV

	1	2	3	4
Urban.....	4	7	13	25
Rural.....	1	8	13	26
Total.....	5	15	26	51

From Table XIV it will be seen that out of 97 homes on which there is information, 51 are listed as being in very bad condition, 26 are poor, 15 are fair, and 5 are in excellent

condition. The writer has tried to eliminate the factor of wealth in each case, judging the home solely on the way in which it is kept. The condition of a few homes will be described.

In the rural group it is shown that 26 of the 50 homes are in the fourth class. These represent the lowest level of care which is given to a home. Many of them are housed in buildings of the lowest type. However, wherever feeble-minded women are found in the homes of men of considerable wealth, the house as surely falls into the fourth class as if she lived in a miserable log cabin. The home of Paul Johnson in Township 4 shows this. Paul, a member of a defective group, has thru his shrewdness and industry managed to accumulate quite a bit of wealth. He lives in a good two-story house in a good neighborhood. This house is as much of a "feeble-minded house" as any log shack in Township 12. The only difference is in the size and build of the bare structure. There are to be found no curtains, carpets, nor blinds. Heaps of harness and burlap sacks were piled on the parlor floor. In one corner of the room was a large heap of potatoes which were kept there out of the cold. They were not in baskets or sacks but were actually piled on the floor. None of the women seemed to be the least bit embarrassed by the appearance of the room. The outside of this house did not show the care that is usually given by the women of the home. No garden or flowers were to be seen. The children looked ragged and dirty, very much like the children of defective parents who have not the nickel to buy soap. It is said that the Johnsons

never wash their clothes in the winter but refrain from changing until warm weather.

Much the same condition is to be found in the home of Mrs. Philip Lant, of Township 12, altho she has not the money to buy as good a house as has the Johnson family. She lives in a two-room box house, 1 door of which is off the hinges. The floors, walls, and roof are in bad condition. The window-panes are broken and dirty and rags are stuffed into the openings. Outside is the bare ground, baked hard in dry weather and made into a sea of mud in wet weather. In this play dirty children, 3 dogs, and their playmates. Inside a dirty, slovenly woman rocked to and fro on the back legs of her chair seemingly as contented as if her work were well done. It was ten o'clock in the morning when the field worker arrived. The breakfast dishes were not washed, the floors were unswept, and the beds were unmade. One hen was eating her breakfast from the family table, another was preening her feathers on the bureau, while another was busy preparing to lay her egg on the family bed. In the midst of all this confusion, the "lady of the house" could see nothing to do. This is not an exceptional case but is typical of both town and country houses where the feeble-minded live.

Obviously those homes of the first and second classes owe their good condition to the presence and care of normal members of the family. This is true in each case except 1 home of the second class where the good condition is due to the good training given the woman in her youth. It has been shown in institutions that feeble-minded women can learn many of the housewifely arts and that those who have had training in institutions make better homes than do those who grow up under the care of their mothers. Of the 50 rural homes, 13 fall in the third class. These are in poor condition but are not so bad as those of the fourth class. On the whole, they are managed by women of a higher mental level than those of the lower class.

There is little difference between the condition of the rural and that of the urban homes except that there are more excellently kept homes in the city. In the city there are 4 homes in excellent condition as compared with 1 in the country. The other classes run practically the same as in the country. The big difference then between the two groups lies not in the

condition of the home but in the number of families in the house and in the number of homes owned by the occupant.

Table XV shows that the majority of the defectives of County H. live in the worst neighborhoods to be found in the county.

TABLE XV

	Excellent	Good	Poor	Very poor	Total
Urban.....	3	7	11	28	49
Rural.....	.....	11	18	19	48
Total.....	3	18	29	47	97

The last column in Table XIII is meant to show which of the families are self-supporting. Those who require the help of charitable agencies are marked with "no". The thing which stands out is that there are a large number of the feeble-minded in the city who require aid and need it often, while in the country there are only 3 persons out of 50 being given aid. This may mean that those in town are in greater need of help or that those in the country will suffer more privation before asking for aid than will those in town. I think it is true that those in the country are likely to be more apathetic and less aggressive than those in town. They may need the help even worse than those in town who make frequent calls on the township trustee and yet make no application. It may be that this is true because the trustee is not so easily seen in the country as he is in town; it may be that the country man may be more timid than his brother in the city; or, it may be a matter of pride, for in the country everyone knows of the help given and in town it is possible to receive township aid more or less regularly with none of the neighbors knowing it. One thing sure is that it is not due to any difference in the need of help.

TABLE XVI

URBAN						RURAL					
	High	Good	Poor	Very poor	Total		High	Good	Poor	Very poor	Total
No. ....	.....	1	7	31	39	No. ....	.....	.....	1	2	3
Yes.	3	1	5	2	11	Yes. ....	.....	3	19	25	47
Total	3	2	12	33	50	Total	.....	3	20	27	50

In Table XVI, the living standards of the defectives of town and country have been classified as high, good, poor, and very poor. It will be quickly seen that in the urban group, 33 of the 50 have very low standards of living and that out of that number only 2 are self-supporting. The rural figures show the reverse. Of the group listed as having very low living standards, 25 are self-supporting and only 2 are dependent on the township.

In the country are to be found cases where the need for help is much greater than that of some urban families who are regularly receiving aid. John Hays and his family show this nicely. In the early summer of 1917, it was discovered that he and his family had had nothing to eat except boiled turnips for 3 weeks. They had sowed the seeds early in March and so long as there were plenty of the roots, John thought that he would not starve. The whole family was suffering with dysentery, and each one was so weak at the time they were found that it would have been impossible for them to go to town for help. This man must have known for a long time in advance that he would soon be without food for he should have known that even the turnips would not last always. It is certain in this case that the failure to apply for aid was not due to pride for the man had often before been a recipient of charity when he resided in town.

Another family which is listed as self-supporting and which probably needs help more than two-thirds of those who receive it is the Sam Davis family in Township 12. The home conditions are of the worst, the whole interior being of a dirty, dull grey color. The house smells with the accumulated filth of years and the children are so dirty that it is almost impossible to sit near them in school. At the time they were tested at the school, the field worker was decidedly nauseated by having to sit so near them. It is said that they often have nothing in the house to eat and that they never have a plentiful supply of food. There are 9 members in the family and no wage-earner except the father who cuts ties for the railroad, when the spirit moves him to work. He owns his farm but even an intelligent farmer would find the working of it discouraging.

The Wisely family is another which would probably be receiving aid if it were in town. They live in a tiny house, 1

room of which is log and the other of boards, located on Chestnut Ridge. The floor of one of the rooms rests on the ground and it is possible to see the outdoors thru any of the walls. It must be impossible to keep the house warm in winter. The family often suffers for lack of proper clothing. It is said that the smaller children go without shoes all winter, remaining indoors during the coldest weather. This family depends for its food on the number of ties which the father can cut. In summer they usually raise a little garden but do little toward preserving the food for winter consumption. In spite of their poverty, this family is not receiving poor relief.

Conclusions

(1) Mental defectives in the country are more likely to own their homes than are those in town. These homes are for the most part inherited from their forebears who entered the land at an early date.

(2) The rent paid by the poor in towns is higher in proportion to what they receive than is paid for much better property.

(3) City families are more likely to live in congested quarters than are those in the country.

(4) The average number of rooms in town homes of defectives is larger than in the country. The number per household is greater in the country than in town.

(5) Feeble-minded women are poor housewives even when they have a normal relative to supply them with all that is necessary for their work. Those who have had institutional training show the effect of that training in their work.

(6) The feeble-minded tend to establish their homes in the poorest parts of the community.

(7) Living standards do not depend on the amount of wealth or the lack of it in the family.

CHAPTER VIII. MENTAL DEFECTIVES IN THE SCHOOLS OF COUNTY H.

SPECIAL attention was paid to the mental defectives in the schools: first, because the feeble-minded child was more easily studied in the school than in the home; and, secondly, because all children above the low imbecile grade are to be found in the public schools (particularly is this true of the younger children), and the presence of the defective child most often indicates the existence of adult defectives in the home or among the near relatives.

There is a widespread belief that the country children as a body are as bright and capable as the children found in town and that all the difference is that the city children have the advantage of better teachers and a broader curriculum than do the children of the rural schools. There was found to be a great difference between the two groups.

There are even greater differences within the groups. These differences are not only in pupil material but in teachers, buildings, school spirit, and attitude. All of these differences seem to depend for the most part on the section of the county in which the school district is located. In fact, after looking over the data collected, it seems safe to say that the number of defectives in the schools depends entirely on the geographical location. The number of defectives in the city schools also depends to some extent on the location of the school, since parts of the town are made up of better classes of citizens than are the others. It would be expected that the children in a school district where most of the professional and successful business men live would have a mental endowment superior to that of the children of school C where live not only the lowest class of laborers but also those who are not capable of laboring at all. Likewise it would be expected that the children of school B would rank somewhere in between the 2 other groups since the adult population of that section is made up largely of a steady, respectable laboring class. At one time this was true, but it is not at the present time, since in each of these districts are now to be found sections where the population is different from the rest

of the district. For example, in one end of section A, which is for the most part one of the best parts of town, is to be found a slum section which is as bad as, or worse than, any part of C. The children of this baby slum tend to pull down the average of the school to the level of the other ward buildings.

The problem of the feeble-minded and the retarded child is more nearly met in the city than in the country. This is true in all parts of the state. In Stonetown, as yet, there has been no special training provided for the feeble-minded children. But wherever it is possible, the classes have been subdivided into the bright and dull sections so that the capable children may not be held back by the retards, and the latter may as a group receive special help which is not needed by the average child.

In the rural schools there can obviously be no such grouping. In some of the schools there is no need for it, for in the country school, if it is a good district, the children are more likely to be a homogeneous group than are the city children. Where the district is not a good one, there is need for a teacher specially trained for the teaching of mental defectives and backward children.

The things which stand out prominently in the study of the rural schools are: first, the variation in the quality of pupil material according to the physical environment; and, secondly, a lack of teachers who understand the situation and try to meet it.

It was in the isolated rural schools tucked in among the hills and valleys that the largest per cent of feeble-minded and retarded children were found. In a rural township it was found that 27 per cent of the school children were feeble-minded. This is probably a conservative figure, since the testing was done at a time when many of the children were not in school, and it is a well-known fact that the dull children are always the first to drop out of school. This fact fits in with that of finding the largest number of defectives, including the insane and epileptic persons, in the rough, hilly portion of the county. It will be remembered that Township 12 had 3.98 per cent defectives (see Table V), and it is very interesting to note that in the schools of this township we find a large number of feeble-minded and backward school children.

When the results of the testing in Township 12 were studied according to schools, it was found that the high per cent of the township was due to the large number of defectives found in 2 of the schools and that those schools were located in 2 of the most unprogressive and backward districts in the entire county. These school districts were those of Chestnut Ridge and Davis Creek. These settlements have been previously described in the section on Township 12, and it is unnecessary to repeat here except to say that these 2 districts are economically and socially behind the other districts in a township which on the whole is the most backward one in the whole county. It has been what is known as a pauper township, and the same thing which makes for this public pauperism, the lack of opportunity for making a living, keeps out all industrious, ambitious folk, leaving the section open for those who cannot compete with their neighbors in the more desirable communities. The lack of sufficient taxes in this township means that the teachers employed are the poorest in the county since they are the ones who cannot procure the better paid positions in the townships which do not pay the minimum wage.

The Chestnut Ridge School is a dilapidated old building, a corner of which has been propped up to keep it from toppling. It was taught by an old man who was then completing his thirty-seventh school. He had no license but was filling out the unexpired term of a young girl who had given up the school as a bad job. He was teaching the younger children to count to 100 and to repeat the alphabet. After 6 months of practice, some of the pupils were quite proficient in this task. There were some in this class, however, who had been in school several years without being promoted, and it looked as if they might spend the remainder of their school career repeating the alphabet after the teacher. Exactly the same methods were used on all the children regardless of their special abilities or lack of ability. The teacher did not seem to see that the average intelligence level of the school was low, but he was sure that "they were the sulkiest brats" that he had ever seen. He said that they were too mean to learn, and that their parents did not encourage them to be otherwise. He spent no little part of the 2 days informing the field worker

and the pupils of how he had thrashed worse boys than were in the present school and of how he could do it again.

The children were tested by the Stanford Revised Scale. Out of 19 children, 15 were feeble-minded. This includes 4 who were not tested but who were of such a low grade that for the purposes of the survey it was a waste of time to do formal testing. The remaining 4 were average children, but compared with the rest of the school they were shining lights. There was a total enrollment of 37 pupils but the attendance was irregular. According to the teacher, some of the pupils had been out all year. Not only was there a large number of children who were feeble-minded, but there was none who was more than average in intelligence. One child had an I.Q. of 96 and the others were all somewhere in 70. Where the stock is uniformly poor as it is in this place, it looks like an uphill job for any teacher or social worker.

The other school in Township 12 in which were found so many defectives was the Davis Creek. There 6 children out of a total of 12 tested were feeble-minded. The other 6 were not average, 5 of them having I.Q. somewhere in 70 and 1 in 80. There was an enrollment of 25 but, as in Chestnut Ridge, the attendance was very irregular. The general tone of the school was higher than that of the former. The children did not have that dull, apathetic appearance which was the rule in the former school.

Another school where there is a large number of feeble-minded and backward children is that on Ripple Creek in Township 11. It will be remembered from the general description of Township 11 that this school is in a small, rough section of the township which was early settled by the common ancestor of almost every family now living in the community. There were 14 children in the school, and of that number, 11 were tested. Six of these were feeble-minded and 4 were borderline.

In the Moccasin School of this same township is to be found another large group of defectives. There 12 out of 18 were tested and 6 of that number were decidedly feeble-minded. These children were not all related as is the case in many of the schools where there is a large number of defectives, but they belong to several groups. Two of them are related to the Temple family and the others belong to the Sanders and

Cox families. In each of these families are to be found defectives not in school.

In the Buntin School of Township 8 are to be found 5 defectives out of a total of 22 pupils. The school also is in a rough, unfertile district of the county where ambitious people would not care to live.

In the Upper Mill Creek School of Township 9 are 4 feeble-minded children out of a total enrollment of 11.

There is a great difference in the number of defectives found in those schools located in good farming districts as compared with such schools as have been mentioned. In only 3 schools in fertile districts is there to be found more than one feeble-minded child per school. These are children of farm tenants who for the most part have come from families of the kind found in the unprogressive neighborhoods. Examples of this are found in the Kell School where the Evans children are to be found and in the Hays children of the Green School.

Except the children mentioned above, there are few defectives to be found in those country districts where there are well-kept farms which are necessarily managed by men and women of ability. There are 14 schools in the midst of good farming land which have no defectives at all and 14 others have only 1 per school. Of these, 7 are related to degenerate groups, the most of whom are still in the hills. In Township 10 there are only 2 feeble-minded children and 1 of these has strayed in from a degenerate group in a neighboring township.

In looking for the cause of the large number of defectives in some of the schools, it was found that often not only were the children closely related, thus receiving an inferior inheritance from a common source, but that many of the defectives in one school were related to the defectives in the adjoining school. For example, the Davis settlement is midway between Chestnut Ridge, Davis Creek, the Buntin and the Lower Mill Creek Schools. In each of these school districts are to be found the descendants of the Davis who originally settled in the county. There are 3 children in this group in the Chestnut Ridge School, 3 in Davis Creek, 3 in the Buntin, 2 in the Lower Mill Creek, and 2 in the Rockton Schools who are feeble-minded. Besides these there are a number of others

who are not feeble-minded, but who have intelligence quotients somewhere in 70. Among the feeble-minded there is one I.Q. of 42, 5 somewhere in 50, and 4 in 60. Thus among the young descendants of the Davis family are 11 defectives of whom we know besides a large number who probably carry an inferior heredity which they will transmit to the next generation.

The 6 feeble-minded children in the Ripple Creek School are cousins related to a large group of epileptic, insane, and feeble-minded persons, all of whom are the descendants of Mark Allen. This Allen came into County H. in the early days and settled among the hills on Ripple Creek while his neighbors, whose descendants are now among the leading citizens of the county, took up the fertile farming land. Here as in other cases the inferior stock has not only been pushed into the hills early in the history of the county, but it has been kept there by the more complex environment on the outside. In this little community, this family has intermarried with 2 or 3 similar ones who have also been pushed back among the hills until at the present time practically all the residents of this bit of rough land are related and we find their children making up the list of mental defectives in the district school.

The above cases are examples of what can be found in every rural school in the county: namely, that the largest number of retarded and defective school children is to be found in the hilly isolated districts and the smallest number is found in the rich fertile parts of the county, and the few defectives found in the latter group are not native to the community but are the children of tenants and ne'er-do-well laborers. The 3 main reasons for this are the same 3 mentioned before in connection with the total number of defectives among the hills as compared with the number in the fertile farming country.

(1) It is probably true that in the isolated unfertile rural districts the stock has always been inferior and in some instances this is a demonstrable fact. It will be remembered that in Township 11, there is a degenerate group (the Allen family) which is scattered over 2 districts and that the various branches of this family, the Storen, Allen, Bell, Smith, and Coopers, have for the most part stayed in the rough land where they have barely been able to make a living. In the

early days they were the mighty hunters who, instead of establishing permanent homes in the fertile valleys, preferred the roving life of a trapper. They made up a large portion of the boisterous part of society. They were the ones who always had a little whiskey readily accessible, they were the reckless men in all ways, and the women furnished the loose characters of the community. When the country became better settled and it was no longer possible for them to make their living in the wild rough way in which they were accustomed, it was necessary to take up a more or less settled mode of living. It was then that they entered the broken hilly land which was not yet claimed. Many of the occupants of these districts did not take up claims but squatted on the land. There they were more or less free from the interference of the law, and among them grew up illicit whiskey stills, bands of horse-thieves, and counterfeiting dens.

There came into the county at the same time as these families, men and women who have founded lines of descendants quite different from those just described. It seems that even in the early times there was as much difference between the family groups as there is at the present time. In the early histories where we have the account of the other group which spent most of its time hunting and fishing, we also have the account of the superior group. We read of a man who founded a church; another leader in the community gave the land for a schoolhouse and with the help of others erected the building; a few of the men started lines of business which have grown into the principal industries of the county at the present time; and in other places we read of how these families sent their sons east for the school advantages which at that time were impossible to obtain in Indiana.

In no place is there a record of intermarriage between these two groups of settlers. In the early times when living conditions were not settled, and it was necessary for people to be in much closer touch than it now is, these 2 groups of pioneers existed side by side. During the years they have been steadily diverging, until now they have nothing in common, and one group is distinctly inferior to the other.

(2) The second cause of the great amount of mental defect in the unprogressive districts lies in the fact that after being driven into the hills, these families have intermarried, thus

intensifying and concentrating the bad traits until at the present time the common descendants of all these families are of much lower grade than were the original settlers of the county. There are living in these communities people who are the common descendants of 1 man, yet who are not aware of the fact that they are related.

(3) The third cause of the great amount of mental defect in the rural isolated districts is that there has for many years been a draining off of the most ambitious blood from the country to the city where are to be had greater advantages. Consequently the inferior stock left behind tends to inbreed, producing more inferior individuals out of which number the best in their turn tend to move toward the city.

Growing out of the inferior quality of the rural population are almost all the other problems connected with the schools. One of these is the attitude taken toward the school and the teacher by the patrons. To many of them, the school is a place where time is wasted at the command of the law, and where the children are sent to be imposed upon when the parents are not nearby to protect them. Every opportunity is taken to keep the child at home, and if the school authorities do not take the matter in hand, in some of the districts there are children who would never attend. In all the unprogressive schools mentioned, there are children who have not been in school the whole year. The attendance officer gets his monthly reports but does not act upon them. In every district the teacher complained about the lack of coöperation on the part of this official. In one school district there was found a boy who had not been in school for 3 years. He boasted of the fact that his father had killed a man in Kentucky and would readily kill another in Indiana. Therefore the truant officer would not act. The probable truth of the case is that the officer did not care to make the long trip to the edge of the county to see that the boy did attend school. The trouble seems to be that the people cannot see the necessity or the advantage of sending their children to school, and that the attendance officer does not see his duty and act accordingly. This last might be remedied by paying a salary such as would attract the right sort of a man.

The present holder of the office can act when he finds that the teacher is determined to have him do so. This was proved

in the case of the Smith family of the Ripple Creek School. Homer Smith persistently refused to send his boys to school. The teacher repeatedly sent him word to see that his children attend more regularly and notified the truant officer of his difficulties. When it was seen that the teacher was determined to see the matter thru, the case was investigated and charges were brought against both the boy and his father. They were brought up before the juvenile court where the boy was given a sentence to the Indiana Boys' School. It was suspended during his good behavior and since that time the teacher of the Ripple Creek School has had no trouble with irregular attendance. During the Smith trial, the father was asked how many children he had in school. He did not know. He was then asked the ages of his children, and he could not be sure of the order in which they were born. It could not be expected of this man that he take any interest in the educational advancement of his children.

The teacher's conduct both in and out of the schoolroom is subject to the criticism of the patrons regardless of what she tries to do. This criticism comes for the most part from those who are least fitted to criticize. The patrons are not satisfied unless the teaching is done in the way they think it should be done. The teachers are always asked to go to the parties, and if they refuse they are said to be "stuck up". If they do attend the parties, which are for the most part of the osculatory order, they at once become open to the criticism of the school authorities and lower their own self-respect.

Another factor which makes for the poor condition of the rural schools is the poor quality of the teaching material. It is said that in some of the townships at different times the teachers have had to buy their positions of the trustees. Even when the trustees are doing their best to obtain good teachers, it is almost impossible because of the low wages offered. This means that the rural schools can have only those teachers who are unable to obtain employment in the better schools. These inferior teachers can be divided into 3 classes: those who have barely completed their high school work and are teaching their first school after a twelve-weeks' normal course; a few old men and women who have taught all their lives and will continue to teach on a life license until they are physically unable; and a number of farmers who teach and farm

at the same time. It is hard to say which of these 3 classes should be first wiped out of existence—the youngsters without experience, the senile who should have been shelved many years ago, or, the man who teaches because of the money alone and neglects the school for the farm.

CONCLUSIONS

(1) The widespread belief that the country children as a class are the equal of the urban children is a false one, as there is a much greater number of retards in the country schools and almost no accelerates, while in the city schools there is 12 per cent acceleration and only 24 per cent retardation (it must be remembered that in the city there is an artificial acceleration).

(2) Nothing is being done in the rural schools to meet the special need of the retarded and defective children.

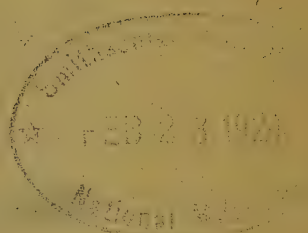
(3) The number of defectives in each school seems to depend largely on the physical environment, those in the isolated unprogressive districts having a much greater per cent than those located in the fertile farming districts.

(4) The causes of the former are the same as given in a previous section for the presence of a large number of both young and adult defectives in these districts: namely, because the stock was originally poor, because these individuals of poor stock have intermarried with those of their kind, and because during the years there has been a constant draining off of the more ambitious blood from the country to the cities.

(5) School attendance is very irregular owing to the ignorance of the parents and to the neglect of duty by the truant officer.

(6) The rural schools which because of the many problems connected with them and because of the lack of supervision found in the larger school systems should have well-trained teachers, have the poorest class of teachers in the county because the pay is inadequate.

INDIANA UNIVERSITY STUDIES



Study No. 60

POESIAS BARIAS Y RECREACION DE BUENOS IN-
GENIOS. A DESCRIPTION OF *Ms. 17556* OF THE BIBLIO-
TECA NACIONAL MATRITENSE, WITH SOME UNPUBLISHED
PORTIONS THEREOF. By JOHN M. HILL.

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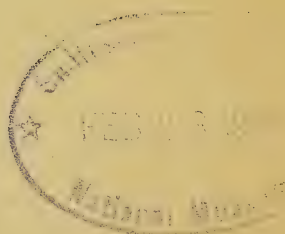
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RECREACION DE BUENOS INGENIOS

A DESCRIPTION OF *Ms. 17556* OF THE BIBLIOTECA NACIONAL
MATRITENSE, WITH SOME UNPUBLISHED PORTIONS THEREOF

BY

JOHN M. HILL



Poesias Barias y Recreacion de Buenos Ingenios

IN the Catalog¹ of the manuscripts belonging to the Gayangos collection that passed into the possession of the Biblioteca Nacional of Madrid is found the following entry:

790. "Poesias barias y recreacion de buenos ingenios."

Dedicatoria al Marqués del Valle.

L. de fines del s. XVII o principios del XVIII; 184 h., 4°, Pta.

This very meagre description, together with the indication of relative lateness of composition, has served probably to divert attention from an anthology of seventeenth-century Spanish poetry which was the object of unusual care on the part of its compiler and which for more than one reason well merits the attention of those interested in the poetic production of the Golden Age of Spanish letters.

The volume is a paper manuscript consisting of 11 unnumbered preliminary leaves, 184 numbered leaves, and three unnumbered leaves at the end. Of the numbered leaves two are missing, folio 1 and folio 103. The volume is richly bound in full calf, with gold ornamentation on both covers and on the back and with full gilt edges. The paper is of excellent quality and the sheets measure 205 x 140 mm. The sheets are carefully ruled in two columns for all compositions except the sonnets and *glosas*, the normal length of a column being twenty lines. Titles usually occupy a space of four lines and are done for the most part in red ink, some in red and black. Where several compositions of the same kind follow each other the compiler contented himself with the title: *Otro*, meaning, of course, *Otro romance*, *Otro soneto*, etc. The hand is extremely neat and is uniform for the entire volume except the last folio. The usual spellings characteristic of Spanish seventeenth-century orthography are to be found and present no striking peculiarity. The copyist almost always wrote *çe*, *çi*, and occasionally omitted the cedilla in *ça*, *ço*, *çu*. Errors in spelling are not numerous, indicating that the text was prepared by a person of no mean culture.

¹ *Catálogo de los manuscritos que pertenecieron a D. Pascual de Gayangos existentes hoy en la Biblioteca Nacional*, redactado por don Pedro Roca. Madrid, 1904.

The distribution of the contents is as follows:

- 1^a hoja. Portada. Title: Poesias || barias || y Recreacion || de buenos In-|| genios. Verso, blank.
- 2^a hoja. Escudo del Marques del Valle, hecho con pluma. Verso, blank.
- 3^a hoja. Romance a hernan Cortes, which continues to the verso of the 4^a hoja.
- 5^a hoja, blank.
- 6^a hoja—8^a hoja. Tabla, in two columns.
- 9^a hoja. Soneto al Marques del Valle. Verso, blank.
- 10^a hoja. Soneto al Marques del Valle. Verso, blank.
- 11^a hoja, r. and v., Romance al Marques ofreciendole este libro.

Folio 1, falta.

Ff. 2—90 v., romances; ff. 91—92 r., Çarauanda; ff. 92 r.—96 v., romances; ff. 96 v.—97 v., satira; ff. 98 r.—123 v., romances; ff. 124 r.—139 v., sonetos; f. 140, glosa; ff. 141 r.—142 v., canciones; ff. 143 r.—145 v., carta; ff. 146 r.—147 v., sonetos; ff. 148 r.—151 v., letras; ff. 151 v.—152 r., glosa; ff. 152 v.—169 r., romances; ff. 169 v., blank; ff. 170 r.—179 r., La uida del picaro; ff. 179 v., blank; ff. 180 r.—181 v., glosa. FIN. ff. 182 r.—184 r., romances. 3 hojas en blanco.

For his material for the *romances* the compiler drew freely either on the *Romancero General* or on the separate parts of that collection. Practically all of the hitherto published romances contained in the manuscript are to be found in the 1604 edition of the *Romancero General*, chiefly in the first three parts. Some, however, are found in the twelfth part, thus making it probable that it was the 1604 edition, or its reprint, the 1614 edition, to which he had recourse. For the *romances*, the sonnets, and other compositions unpublished at the date of compilation he had to rely, presumably, on manuscript copies, since none of them, so far as the writer has been able to discover, appears in print before the eighteenth century.

When the reader compares the anthology of our anonymous compiler with others of the seventeenth century, either in print or in manuscript, he is at once impressed with the excellence of choice displayed in the selections that make up the volume. The collection is singularly free from certain types

of rather free poetic compositions that were current in all European literatures of the epoch. In the entire volume there are perhaps only three or four compositions that could give offense to exacting modern tastes.

Whether or not the compiler was acquainted with the names of the authors of the pieces he chose it is impossible to say. Quite singularly, nowhere in the volume is mention made of a single author. Much of the verse included in the manuscript and already published elsewhere has been identified as belonging to certain authors; some still remains unidentified. So with that published herewith: some can be identified, tho most of it must apparently remain within the confines of that vast realm of anonymous Spanish poetry that attained such huge proportions in the first half of the seventeenth century.

In the present edition it has not seemed worth while to reproduce all the compositions found in the manuscript. As a rule those known to have been published elsewhere are omitted, tho a very few have been included because of the interesting variants that they show. In passing, it may be remarked, however, that most of the compositions included in the manuscript and to be found published elsewhere offer variants of considerable interest. In many cases the variants may be due to the compiler's caprice, in some they may be due either to a traditional oral transmission or to manuscript versions that we no longer possess. Noteworthy among the compositions available in other editions is *La vida del pícaro*. Of this most interesting version in tercets of the *Life of the Rogue* only two manuscript copies have heretofore come to light. One is in the Biblioteca universitaria de Zaragoza, the other in the Biblioteca Nacional at Madrid. Both were utilized by D. Adolfo Bonilla y San Martín for his critical edition of the poem published in 1902 (*Revue Hispanique*, tome IX, pp. 295-330). The text of our manuscript offers numerous variants, but at the same time shows many obviously incorrect readings. A comparison of the variants indicates that the text here printed shows close relationship with that utilized by Ferrer for his edition printed in Paris in 1827.

With one exception, the sonnet beginning *Si del hombre las partes as sawido*, all previously unpublished verse found in the manuscript is included in the present edition. In addition to *La vida del pícaro*, only four other compositions included

in the present edition are, so far as the editor is aware, to be found in print elsewhere. They are:

Ay, dulce sueño y dulce sentimiento (in *Revue Hispanique*, VI, 380-381)

El oy me mata, en la mañana espero (in *Revue Hispanique*, XVIII, 530)

Liñan, el pecho noble solo estima (in *Bib. Aut. Esp.*, XXXVIII, 376)

No heres nieue que fueras derretida (in *Revue Hispanique*, VI, 384)

It is, of course, altogether probable that other compositions in the collection are to be found in print elsewhere. The bulk of Spanish seventeenth-century verse is great and much of it is available only in volumes not easily accessible. The editor hopes, however, that he has not sinned too grievously in the matter of reproducing material already available and he bespeaks for himself the indulgence of the reader where such instances may be noted.

The primary purpose of the present edition is to make accessible to students of Spanish literature an interesting and valuable anthology of seventeenth-century poetry. Consequently, in conformity with that purpose, speculation as to authorship and theorizing about motives, while perhaps interesting and perhaps useful also—in their place—are not called for in the present instance. The collection speaks for itself. The dedication to Hernán Cortés, Marqués del Valle, serves to attract attention to it and gives rise to interesting conjectures, but the body of the work, garnered from various sources, in no wise sheds additional light on the great conquistador. The collection is one of *poesías artísticas*, valuable for their artistry and valuable for conserving in unique versions some compositions that serve well to illustrate certain contemporary pieces of literature. This we may show on another occasion.

In the present edition we have endeavored to reproduce faithfully the spellings of the manuscript, adopting no variation except to print *ce*, *ci*, instead of *çe*, *çi*. Even that peculiarity has been retained in *La uida del picaro*. In the matter of introducing or suggesting emendations we have striven to exercise restraint, since in works of this kind it has seemed

that the manuscript readings are preferable to mere conjectures. Such corrections or emendations as are admitted are duly noted.

The editor takes pleasure in recording here his sincerest thanks to his colleagues Professors E. C. Hills, S. G. Morley, and Juan Cano for numerous valuable suggestions.

POESIAS BARIAS
Y
RECREACION DE BUENOS INGENIOS

I

ROMANCE A HERNAN CORTES

A buscar sale otro mundo, 3 hoja prl.
porque en el que està no cabe,
el famosso Hernan Cortes,
de su patria y de su sangre.

Atrabiessa el mar del sur
a la tierra ynhabitable,
a do biben como fieras
echas los hombres salvajes.

Y en asentando el pie en ella,
lebantó alli su estandarte
con el antiguo blason
de las armas ymperiales,
el que lleba por diuisa
dos colunas que vn mar baten,
y vm plus vltra, que le dice:
"No temas, passa adelante."

Cortes pusso en el los ojos,
y a las colunas añade:
"Subirè al cielo a ponellas,
quando la tierra me falte."

En arma se puso luego 3 h. prl., v.
el araucano linaje,
baxando de barias sierras
barbaros ynumerables.

Aqui bence al enemigo,
aquellà le da otro alcance,
por alli entra bitoriosso
de mil villas y ciudades.

Entrò allanando la tierra,
hallandose en todas partes
riguroso con rebeldes,
y con humildes afable.

Llegando de aquesta suerte
hasta aquel ymperio grande,
a quien eran treynta reyes
obedientes y leales,

sujetòle con raçones
 bien dignas de que se alaben;
 y a quien no bencieran fuerças,
 bencio la yndustria y el arte;
 que las abidas victorias 4 h. prl., r.
 por famosos capitanes
 solo fueron asta aqui,
 que adelante no ay quien passe.

Aparte quede el flamenco,
 y el orgullo frances calle,
 con sus diques de aguas fuertes
 y pantanosos lugares;

No hable el ytaliano,
 ni el que diuiden los Alpes
 con los polborosos rayos
 que Jupiter dio a Marte;

Pierda el nombre el otomano,
 y el rapado¹ turco aparte
 con el pasado mosquete,
 arco, y damasquino alfanxe;

Retirese aquel ginete,
 aquel bullicioso Alarbe,
 con lança y adarga fuerte,
 tan ligero como el ayre.

La gloria del bencer 4 h. prl., v.
 solo en su nombre se cante,
 dandole tantas coronas
 cibicas como nabales;

que por tantos bencimientos,
 y mas por haçañas tales,
 mil beces triumphara en Roma,
 y fuera el consul mas grabe.

Al fin, de Oriente a Poniente
 corrio, enfrenando los mares,
 trayendo estrañas zerbices
 asta las coyundas reales.

Y luego del nuebo mundo
 a su Rey truxo las llaves,
 porque mandase dos mundos
 quien fuese mas que Alexandre.

¹In the ms., *y al rapado*.

Solo tomò para si
las victorias ynmortales,
dejando con mil tropheos
rica la Casa del Balle.

II

SONETO AL MARQUES DEL VALLE

Apenas puse en el papel la mano, 9 h. prl., r.
y el pensamiento en el balor diuino
de vuestro ynjenio raro y peregrino
cuyo sauer excede a todo humano,
quando vajò del trono soberano
Apolo dios con buelo repentino,
y dijo: "Tu no bes ques desatino
fabricar vn conceto y otro en vano,
sabiendo que la fama sonora,
en el valle y collado mas cumbroso,
a publicado ya ques la famosa
estirpe noble y pecho jeneroso
del ynsigne Marques rama gloriosa
del tronco illustre de Cortes famoso?"

III

SONETO AL MARQUES DEL VALLE

Del ytalo, frances, griego, y troyano 10 h. prl., r.
oy eterna el mundo las memorias,
los triunfos, los tropheos, las vitorias
ganadas con prudencia y fuerte mano.
Mas quien del fiero mar, crudo, ynumano,
hiço camino a sus pomposas glorias?
Quien del tiempo las causas transitorias
eterniçò con lauro soberano,
sino aquel de quien todas las naciones
cantan sonoros canticos lohables,
con ynbigto renombre esclarecido?
No cauen las haçañas en rrenglones
del Valle illustre y hechos tan notables,
pues son rretrato de Cortes cumplido.

IV

ROMANCE AL MARQUES OFRECIENDOLE ESTE LIBRO

Del que con armado pecho 10 h. prl., r.
de valor y confiança,
que por benideros siglos
quedaría eterna fama,
vencio los famosos reyes,
como lo muestran las armas
que quedaron por blason
de la heroyca y fuerte haçaña;
y de quien a Motezuma,
con fuerte y temida lança,
yço prisionero suyo,
rindiendole lauro y palma;
y de quien en mar y tierra
se canta digna alabança,
cuyos canticos repiten:
"Cortes es gloria de España,"
quiere oy mi humilde ynjenio,
que del suelo se levanta,
ayudado del favor 10 h. prl., v.
de vuestra mano no escassa,
ofreceros vn don pobre,
aunque rico de esperança,
que, aunque queda atras en obras,
en boluntad se adelanta:
el qual son cosas de gusto,
del mio recopiladas
de los diuinos ynjenios
que produce nuestra España,
junto con la obligacion
que, ynsigne Marques, me llama
a emplearme en el serbicio
de la estirpe illustre y clara
de vuestros antepasados
y de vuestra clara fama,
digna de eterno renombre
y de gloriosa alabança.

V

La diosa a quien sacrifica f. 19 v.
Samo y Chipre y mil altares
ba buscando, peregrina,
del mundo las quatro partes,
por allar al niño Amor,
que a dias que dèl no saue;
que se le huyò de su esfera, f. 20 r.
temiendo que le açotase.

Porque, prouando vnas flechas
que le dio en ferias su padre,
hirio a su pecho diuino
de amor y prendas mortales.

Como muger, en efecto,
mal rrendida a su combate,
buscòle entre las mugeres,
donde mas su pecho arde.

“Quien a bisto vn niño, dice,
perdido desde ayer tarde,
con vnos cauèllos rrubios,
al mismo sol semejantes;
y, avnque de vn belo cubierto,
ojos garços y süaues,
con vnas flechas al hombro,
lo demas del cuerpo en carnes?

Tiene muy buenas palabras,
avnque malas obras hace;
rregala en la casa quentra,
pero mata quando sale.

Come solo coraçones,
porques amigo de sangre,
y de la caça que mata,
es la parte que le caue.

Donde le rriñen se allega;
no quiere que le rregalen;
aborrecido es de cera,
y querido de diamante.”

Las mugeres le rresponden
que niño de señas tales
nunca le bieron, ni creen
que se perdiere tan grande;

y que ellas solo conocen
 vn niño que las abate,
 que se llama el ynteres,
 mas hombre, y de peor talle;
 nacido en las minas de oro,
 criado en rricas ciudades,
 muy pereçosso de pies, f. 20 v.
 y de manos liberales;

no en carnes como el amor,
 ques vn poco frio y graue,
 rropa de martas se biste,
 guarnecida de valajes.

Desesperada la diosa,
 para los hombres se parte:
 todos dicen que ese niño,
 ha muchos dias ques frayle;
 y que ellos nunca pudieron,
 por mas que dèl se preciasen,
 negociar sin ynteres
 favor que vna hora durase.

Biendo aquesto, Venus fuese
 por vna sierra adelante,
 donde cubierta de nieue
 bio vna choça de çagales.

Entrò dentro y bio a Cupido
 temblando de frio y hambre
 calentandose las manos
 en vnas llamas que salen
 del pecho de vn pastorcillo
 que sobre vnas pieles yace,
 cuyo nombre era *Belardo*,
 solo verdadero amante.

VI

El suelto cauello al viento f. 26 v.
 que desordena sus trenças,
 hurtandole denbidiosos
 algunas preciosas hebras,
 mas lijera que los vientos,
 tan arisca como vella,
 tan bella como cruel,
 y mas cruel que lijera;

huyendo ba de amor la çagaleja,
y el rapacillo ciego no la deja.

Tan veloz mueue las plantas,
que pierden la color dellas,
dando a la velocidad
lo que a los ojos les niega.

Y ba tan feroz y ayrada,
que lo que murmura entrella
con los dientes despedaçã,
y en sus palabras se benga.

Huyendo ba de amor la çagaleja,
y el rrapacillo no la dexe.

Quando ynpaciente y sañado,
de vna libertad esenta,
pusso al arco trauajado
aquella rrabiosa flecha,
tan libre salio la jara
esculpida de la querda,
que, sin tocar al pellico,
rronpio vn coraçon de piedra.

Huyendo ba de amor la çagaleja,
y el rrapacillo ciego no la dexa.

Ella que se bio herida
de la benenosa yerua,
dejò de ollar el biento,
estampò el pie en la arena.

Y buelta humilde a Cupido,
enclinò la ceruiz yerta,
do enlaçò el pesado yugo
que tan tarde se deshecha.

Huyendo ba de amor la çagaleja,
y el rrapacillo ciego no la deja.

Y ansi alçò el buelo Cupido, f. 27 r.
tan hufano de la presa,
mandandole que a Menalio
su querido estè sujeta,
por cuya lira suave
en todo el Vetis rresuena,
vagando el nombre de Alcina
en sus ecos por las seluas.

Huyendo ba de amor la çagaleja,
y el rrapacillo ciego no la deja.

VII

Agora, Tirsi, quel tiempo
toma rresidencia al alma,
quiero yo que tu belleça
venga a juzgar en mi causa.

Vengan los alegres campos,
juren las mieses harmadas,
que estos diran desperiencia
la verdad, pues tienen canas.

O hedad falsa,
malamente creyda y adorada!

Què me diras, Tirsi mia,
si a de ser tu hermosa cara
por arrugas enbidiosas
desmentida y afeada?

Encierra, amiga, tus trenças
hondosas y encorrujadas,
que si agora peynas oro,
ya bendra que peynes plata.

O hedad falsa,
malamente creyda y adorada!

Que ynporta quel niño ciego
en tus mejillas rrodadas
aga siesta a los sombríos
de tus yguales pestañas,
si las pestañas se caen,
si el amor bate sus alas,
si la rrosa se marchita,
si en efeto todo passa?

O hedad falsa,
malamente creyda y adorada!

Mira los meses floridos, f. 27 v.
què libreas tan biçarras
que les da el curso del cielo
desposado con el alua!

Y mira los del estio
arrastrados por sus plaças,
a bista del esquadron
de las mieses condenadas!

O hedad falsa,
malamente creyda y adorada!

Deja a Menalio que llore
las oras y las palabras
que por seluas mas seguras
desparcio la libre planta.

Considera, amiga, el tiempo,
solo juez de esta causa;
què harà de mi, cruel,
si a tantos buenos arrastra?

O hedad falsa,
malamente creyda y adorada!

VIII

Mirando estaua Damon, f. 30 r.
desde vn rrisco solitario,
vn cieruo y vna corcilla
que se arrojaúan al Tajo.

Dessangrada ba la cierua,
y el cuerpo ba agonizando;
en el alma lleua el yerro,
y en el pecho lleua el dardo.

Hallò los monteros duros
bencidos y coronados
de las mas hermosas flores
que produjo el suelo arauio.

Mil acechanças los pusso
por monte y dissierto campo.
Siguiolos asta la muerte,
matòlos enamorados.

Las ya conocidas aguas
tocauan muriendo, quando
vna flecha rrigurossa
despidio el montero ayrado.

Lleuo la flecha cruel
de vn copiosso y fertil arbol,
de vna tortola cuytada
compañero, nido y rramo.

Ella, viuda y sin ventura,
su soledad lamentando,
con los dolientes ayncos
de su arrullo tierno y blando,

llorando la desbentura
de su compañero amado,
permitio el amor llorase f. 30 v.
la de sus cieruos amados.

Biolos despues sobre el agua,
cuerpos muertos, desangrados,
que los lleua la corriente
para arriba y para avajo.

Quiso llorar y no pudo,
quiso suspirar, y vn laço
le dieron al çoraçon,
que le dexaron pasmado.

IX

Lo verde que da el Abril f. 38 v.
ya el otubre lo quitaua;
serojas secas parecen
las que fueron verdes rramas
por mudanças.

Ya humean los tiçones
de las humildes cauañas,
ya con las primeras nieues
dan muestras las sierras altas
por mudanças.

Ya desocupan el mar f. 39 r.
las galeras despalmadas;
huciosos estan los rremos
que traspalauan las aguas
por mudanças.

O qual estaua vn pastor
de cuydados y de cabras
en este tiempo que digo,
y que de suspiros daua
por mudanças!

A su pastora le dice:
"Asi fingida mengañas;
mi alma llamaste a otro,
como tienes tantas almas
por mudanças.

Solias me tu decir:
vna sola fee me agrada,

pues la voluntad comun
con otra comun se paga
por mudanças.”

En esto vio que benia
Fauio siguiendo sus bacas,
conbaleciente de olvido
que vn mes le tuuo en la cama
por mudanças.

“O, Fauio, dixo Riselo,
venturoosso tu que pasas
alegres noches y dias,
sin tener nuebas desgracias
por mudanças.

Y desdichado de mi,
porque a mi pastora yngrata
de necio y firme no puedo,
como me dejò, dejalla
por mudanças.”

X

Belardo, aquel que otro tiempo
moraua en el dorado Tajo,
agora en el claro Vetis
apacienta su ganado.

Ya no ba, como solia,
por entre los olmos altos,
ni se sienta entre los juncos
al pie del olmo blanco.

Ya despadañas y lirios
no pasa el florido prado,
sino la abrasada arena,
playa del Vetis sagrado,
que cerca de las orillas
le abrasa los pies descalços,
que solia por el yelo
cubrir con pieles de gamos.

Acordòse, en vna siesta,
de Filis, y de su engaño,
quando quebrò la palabra
del casamiento esperado.

Y biendose ya tan libre,
 como de nueuo prendado
 de la hermosa Galatea,
 ninfa del Vetis sagrado,
 no asentado entre los juncos,
 pero en la tabla de vn barco,
 a la sombra de sus velas
 cantò gloriosso y hufano:

Ya dexè, morena, tu sierra
 por otra morena.

Tu sierra amorossa,
 que vn tiempo gocè,
 por falta engañossa f. 45 r.
 de viuir dexè.

La sierra pasè
 de mas aspereça,
 porque tu belleça
 no me diese pena.

Ya dexè, morena, tu sierra,
 por otra morena.

Sospechas esquivas,
 penas encubiertas
 con memorias biuas,
 de mil glorias muertas,
 hicieron tan ciertas
 mi desconfiança,
 que breue mudança
 de tu luna llena.

Ya dexè, morena, tu sierra
 por otra morena.

XI

No quiso Fili a Belardo, f. 45 v.
 ni a su Bartola Bireno,
 ni al bello Adonis la diosa,
 ni a la yngrata Daphne Febo,
 como a su Celio Marfida,
 y como a Marfida Celio,
 quen ygual grado se aman,
 mas con desygual deseo.

Vn arco hirio a los dos,
 y vn laço los tiene presos,

en vna llama se encienden
nascida de vn mismo fuego.

En cada cuerpo ay dos almas,
y vna rrige los dos cuerpos;
a vn tiempo se quexan ambos,
y ambos se alegran a vn tiempo.

Avnqueste les es contrario,
y avn les es contrario el cielo,
porque quiere diuidillos,
y es ynpusible hacello.

Ni rromper los fuertes laços
del nudo que dio amor ciego,
ques que lo atò con su mano,
no està en su mano el rrompello.

Mal ayan males de avsencia,
pues que matan quando menos!
En fin Celio a de partirse,
ques fuerza del ado fiero.

Y al que le sigue y le huye,
arrastra por los cauellos.
"O Tajo de arenal de oro, f. 46 r.
y quanta enbidia te tengo,

(a tus(*sic*) sagradas rriberas
està Marfida diciendo)
pues que te lleuas mi vien,
y con mis males me quedo.

Ensancha tus sacras hondas,
estiende tus verdes senos
que de perlas y de aljofar
esmaltan los prados bellos.

Y bosotras, castas ninfas,
dexad el dichosso asiento,
y con coronas de flores,
al son de los ynstrumentos,

cantareys a mi pastor
los mas concertados versos;
que yo en tanta soledad
llorarè mis males fieros,

y seran mi conpañia
estos peñascos desiertos;
y tu, fuente clara y pura,
que agora mestàs oyendo,

enturbiaràs tus cristales,
que antes me seruian despejos;
que ya què an de ver mis ojos
sin mi Celio y sin mi cielo?"

El cual parecio que hizo
a sus quexas sentimiento,
y por no escuchar las dèl
se cubrio de vn negro velo.

"Si te olvidare, Marfida,
Celio dice, al cielo rruego
que entre desgracia yo muera,
y tu me oluides primero;

y que antes que buelua a verte
me acauen oluido y celos
de aquel villano pastor
del liston blanco en el pecho,
que, por mas atormentarme,
atrauiese aquel sendero,
y por ver si al despedirnos f. 46 v.
quedas tù viua y yo muerto.

Que ya, señora, la noche
nos ba las sombras cubriendo,
y guarda la fe que deues
al alma con que te quiero;

que dentro de cinco dias,
mi Marfida, nos veremos."

Con esto los dos amantes
llorando se despidieron,

y entre temor y desdenes
gastaron el breue tiempo;
avnque al amador¹ ausente
mil años es vn momento.

XII

Hazme, niña, vn ramillete f. 46 v.
de flores de tu jardin,
y atale con tus cauellos
como me as atado a mi.

Retrata en èl tus fauores,
que a mi ver fueron ansi

¹ In the ms., *avnquel amador*.

flores que vn tiempo duraron
vna mañana en abril,

y a la tarde desengañan
con marchitarse y rrendir
su belleça al tiempo yngrato,
cuyo oficio es destruir.

Llebe violas moradas
y vn amarillo alheli,
y algo açul, que tengo celos
de que te visitò Gil.

O mal grado a mi ventura,
y a las tuyas gracias mil!
Esperanças ya nos quiero,
que muchas veces mentis.

Como te canta alvoradas, f. 47 r.
entra amor por el oyr,
y sale al alma derecho.
Ay, quien le echara de alli!

No eres sola la Ysauela
de ese dichoso Ceruin;
sus postreros gustos goças,
y èl gusto no da de si.

Ya dice que te aborrezco,
luego besa tu chapin;
estays a matar agora,
y luego alegre reys.

De tu trato, Gila, a sido
vn maldiciente pasquin,
y avn del suyo, porques hombre
que dice que da que decir.

Si esto saues y le quieres
por galan y Amadis,
doyme a Dios, si no te abrasa
con su fuego el dios machin.

Pensaua yo que primero
los rrios Tajo y Genil
en los Alpes se juntaran
que tu quisieras a Gil.

Mas si Miguela lo quiere,
si le sale a rreceuir,
si a su amor le da principio,
y al mio le tacha el fin,

no me espanto que le quieras,
 porquen la corte decís
 que vna amiga de otra amiga
 facilmente alcança el sí.

No dire en mi vida tanto,
 en rromance ni en latin;
 bien es que sufra el culpado;
 sin culpa malo es sufryr.

XIII

Riselo, pastor de agrauios f. 52 v.
 y de memorias que viuen,
 entre queexas no escuchadas
 y entre pensamientos tristes
 oyendo està el dulce canto
 de vn rruyseñor que compite
 con otro que de su amada
 rrecien enamorado viue.

Entre las ojas de vn olmo
 que dos arroyos le ciñen
 parece quen lengua humana
 tales querellas rrepite:

“Por quescuchas, compañera,
 y avn al parecer te engries
 con las terneças y rruegos
 de esse que mi vien ynpide?

Como, estando yo a tu lado,
 questàs solitaria finjes?
 Porque te dexe¹ lo hages?
 Conbidasme a que te olvide?

Quanto pedias buscaua
 y tu menester prebine,
 porques la necessidad
 gran maestra de obras viles.

Agora que por consejos
 de quien sin ley me persigue,
 o que por dadiuas caras
 que mudan montañas firmes,
 tu verdad parece falssa,
 tu pecho de muger libre,

¹ In the ms., *dexo*.

pues ya que gusto no tengas
ocasion de gusto admities."

Bolaron las simples aues;
quedase el pastor humilde
de pechos sobre el cayado,
y mirando al arbol dize:

"La causa de mi aldeana
heres, olmo, y soy el triste
que bido a su compañera
cassi vencida de vn simple.

Jura que no ha de ofenderme,
mas si a de dar quien rreciue,
ya la quento por trocada
y por mas falsa que Circe.

Si a mi me llama y al otro
güelga de no despedirle,
faltarà sin duda el vno,
el que a dos señores sirue."

Con esto para memoria
en el olmo verde escriue,
ques la voluntad forçada
voluntad que dio en rrendirse.

XIV

Ya que rutilante Feuo f. 53 r.
toda la tierra ylustraua,
se sale el fuerte Rujero
a la batalla aplaçada,
armado de todas harmas,
en ellas el aguila blanca,
quando el fuerte Mandricardo f. 53 v.
esperaua a la batalla.

Sintiendo tocar el cuerno,
aprisa pide las armas.

Doralice, como vido
que a su Rujero no basta,
otra bez anssi le dice,
toda en lagrimas bañada:
"Mandricardo, dulce esposso,
dexasme muy mal pagada.

Pues precias vna diuissa
 mas que contentar tu dama,
 que mejor diuissa quieres
 que mi coraçon y alma?

Di, quando la hayas ganado,
 què sacaràs de ganalla?
 Mira que aventuras mucho
 por tan misera esperança.

Considera como puedo
 quedar, si entras en batalla,
 pues tu estaras peleando
 y rrindiendo a Dios el alma."

XV

En medio de vn campo solo, f. 54 r.
 do la diosa Ceres planta
 sus frutiferos manojos,
 y a do la chicharra canta

herida de vn fuego ardiente
 que su rronca voz levanta,
 y adonde las amapolas f. 54 v.
 se suelen voluer moradas,

y de moradas en negras,
 del rrecio sol abrasadas,
 entre las cañas y espigas
 mil florecillas sembradas,

vnas verdes y amarillas,
 y otras açules y blancas,
 en vna cauaña estrecha,
 hecha de palos y paja,

en braços de su pastor
 llorando està vna çagala.

Las lagrimas que proceden
 de sus ojos, quando vajan,

caen al rostro del pastor,
 y con su fuego le abrassan.

Diciendole està: "Cruel,
 es pusible que te casas,

que me oluidas, que me dexas,
 que a otra entriegas el alma?

Bien pensè yo que tu pecho,
 segun firmeça mostrauas,

gustaras verle deshecho
entre los que agora te abraçan,
antes que con tal desuio
husaras de tal mudança.

Mas, traydor, como me sufren
tus braços, si ya en el alma,
por vn falso sí que diste,
a otra tienes abraçada?

Gocesla muy largos años
con pesadumbres tan largas,
que las palabras muy dulces
te parezcan muy amargas.

Y si algun amor le tienes,
se buelua en celosa rrauya,
para que rrauiando creas
lo que dudas de quien ama.

Siempre la veas rrostrituerta,
a la noche, a la mañana!
Mire a quantos la miraren f. 55 r.
y procuren de miralla,

tanto, que tus cortos ojos
sean pocos para guardalla!
Tus parientes la deseen,
y ella salga tan liviana,
que a los estraños se allegue,
y a los propios aga cara!
Para en el año dos veces,
y mil pesadumbres para!

Los hijos no te parezcan,
para que te sea mas caussa
de disgustos y de celos,
y de celos y de rauia."

XVI

Lisardo en sus sotos mira f. 55 r.
como sus manadas pazen;
Damon y Fauio deleytan
al mundo con sus cantares;

Lauso trilla ricas mieses
y colma sus trojes grandes;
Velardo, avnque canta penas,
de alegres principios nascen.

Solo Riselo no tiene
memoria en que deleytarse;
manadas, cantares, mieses
son quejas, tormento y males.

“Ay, lijerega del tiempo!
quanto puedes, quanto haces!
Al fin, tu vejez caduca
del vien y del mal es madre.

Buelas acauando gentes
y crias gentes y nascen;
que como tienes buen gusto,
apeteces novedades.

Oye las endechas mias,
y no para que las calles,
que me ynporta que las sepan
por dondequiera que pases.

Ya saues que soy humilde f. 55 v.
por mi, que no por mis padres;
que tu que lo miras todo
los viste en altos lugares.

Heme de quejar de ti,
de aquella yngrata que saues,
que dice que bien me quiere
y procura abandonarme.

Testigo de sus terneças
heres tu, que algunas tardes
denbidia de nuestros gustos
con mas presteça volaste.

Dilata placeres dulces,
suspende tristes pesares;
oygan todos mis querellas,
que ansi comienço a quexarme.

Mas no, tiempo no me cumple;
que duele el decir verdades,
y si las digo, sin duda
habrà muchos que la agrauien.

Hereje de amor seria,
si blasfemase a la ymagen
que adoro, y avn adoro
tan bien agora como antes.

Ay, tiempo, que de las yeruas
saues tu las propiedades,
por merced que me des vna
para que padezca y calle!"

XVII

Por las montañas de Ronda f. 58 r.
el brauo Almadan salia,
celosso y desesperado,
desdeñado de su amiga.

No con las lucientes armas
de que profession hacia,
y mirando si el cauallo
por buen camino le guia,

lleuado por vn desden
que le hace compañía,
lleno de ymaginaciones,
siguio del monte la via.

Va determinado el moro
de, asta perder la vida,
no poner los pies en Ronda,
ni voluer a su alcaydia.

Riberas del rrio verde,
quentre dos cerros salia,
vino a parar a vna sombra
questaua junto a la orilla.

Apeòse del cauallo
por el gran calor que hacia;
sobre vn tronco se rrecuesta
de vn taray que alli hauia.

La vna mano en el espada,
y la otra en la mexilla,
despues de alentado vn poco,
contra su dama decia:

Aqui veràs, O fiera endurecida,
el miserable fin de tu enemigo;
que vien se sigue a tan pesada vida
el duro yntento quen mi muerte sigo.
Y no porque de burlas consumida
la piedra allara en tu pecho abrigo,

que vien se vehe de tanto desconcierto
que no te he de ablandar viuo ni muerto.

Quen la fuerça de tu pecho altiuo
conozco el yntento horrible y fuerte;
que si en mis obras te he cansado viuo,
tanvien te cansarà mi ayrada muerte.
Mas no pretende vn mal tan excessiuo
con desesperacion enterneberte;
que vien entiendo, avnquen morir acierto,
que no te he de ablandar viuo ni muerto.

XVIII

Con cauello y barua crespas, f. 59 r.
y con la color tostada,
desnudos los miembros bastos,
fuera del pecho y espalda,
vestida vna piel de vn tigre
de varias vetas manchada,
y con vn baston nudosso
hecho de vna tosca rrama,
rrendido al coraje el cuerpo,
y sugeta a amor el alma,
que, como nadie rreserua,
allò en su aspereza entrada,
en la saçon que la tierra
apenas es avitada,
quando el rrelampago ciega,
y quando el trueno amenaza;
quando el cielo y suelo cubren,
sin diferenciarse en nada,
al cielo las blancas nubes,
y al suelo la blanca escarcha,
dentro de vna selua fria
Tirreno vn pastor se abrasa,
que todo tiempo es estio
para èl despues que ama.

Y quexase tiernamente
de su pastora Rosania,
que sola para quexarse
en èl blandura se halla.

Y crudamente propone
tomar de Timbrio vengança,
ques el pastor que le tiene
lleno de celossa rauia.

Llegò a este punto los ojos
y en vn arbol vio vnas rrayas;
y llegando a vellas vien,
dos figuras vio entalladas.

Reconociolas, y heran,
vna Timbrio, otra Rosania,
la de ella en los braços dèl
estrechamente enlaçada.

Y ayrado, como presente f. 59 v.
al tierno Timbrio no halla,
vengase en el arbol duro;
asta el suelo le desgaja.

Mas ya con las dos mitades,
casi en la tierra tocauan,
quando perdiendo el aliento
se torna a juntar la planta.

Y cogiendole las manos,
queda enxerto y hecho rrama,
quedando de ella colgado
quien lo estaua desesperança.

XIX

Ya nos mudamos, Marica; f. 62 r.
Marica, ya nos mudamos!

Olguemonos tanto dello,
Marica, pues nos mudamos
a cassa sin vecindad,
de corral, poço y naranjo.

Y para jugar la hargolla
con vn tan hermosso patio,
estará la argolla aqui,
y acullà lejos el tajo.

Ya nos mudamos, Marica;
Marica, ya nos mudamos!

Donde podremos jugar
los domingos y dias santos,
sin que diga la vecina
questà su marido malo,

y otra vecina se queje
que las bolas que jugamos
le abollaron la caldera,
o el cantaro le quebraron.

Ya nos mudamos, Marica;
Marica, ya nos mudamos!

Y sin que todos los días
estè con madre mesando,
sobre decir que la carne
le comieron nuestros gatos;

y sobre que nuestros pollos f. 62 v.
la abaaca le picaron,
o que allà en el tendedero
le rrebolcaron los paños.

Ya nos mudamos, Marica;
Marica, ya nos mudamos!

Por esto estaremos bien,
sin vecindad, estimados
por señores dissolutos
de lo alto y de lo vajo,

en casa de dos ventanas,
desde donde oyremos anbos
las trompetas de las bulas
quando vengan otros años.

Ya nos mudamos, Marica;
Marica, ya nos mudamos!

Y solitos, a placer,
veremos el Jueves Santo
pasar los deceplinantes (*sic*)
de la Virgen del Traspasso,
donde suele llevar tío,
el que viue aculla avajo,
el pendon de las borlas,
con las andas del caluario.

Ya nos mudamos, Marica;
Marica, ya nos mudamos!

Comencemos, pues, hermana,
a mudar aqueste ato.

Cárgate tu de esa artessa,
y yo de aquestos cedaços.

Si quiere llebar primero
la cama, ten esos bancos;

y porque pesan mas,
quiero lleuar este çarço.

Ya nos mudamos, Marica;
Marica, ya nos mudamos!

Lleue Juanilla la tuerta
el almarax jaspeado,
que tiene el agua del trebol
apurado al sol de mayo.

Y la hija del compadre
lleue quedito el rretablo,
de quien es madre devota,
despues que pario a Gonçalo.

Ya nos mudamos, Marica;
Marica, ya nos mudamos! f. 63 r.

Y boluamos despues todos
por el velador y el palo,
y por aquellos dos tiestos
de la rruda y el tauaco.

Y seguidme aprisa todos,
porque voy el mas cargado,
porque en acauando aqui
tengo de hir a los mandados.

Ya nos mudamos, Marica;
Marica, ya nos mudamos!

XX

Sobre los tres hijos muertos, f. 69 r.
dentro de la enpalicada,
con dolorosos suspiros
Arias Gonçalo lloraua.

Busca las frescas heridas
por lo rroto de las harmas,
y quantas le ve en el cuerpo
rreciue al doble en el alma.

No llora su honrrosa muerte,
ni que a sido tan temprana,
ni se querella del cielo;
contra si buelue la saña,
por no hauer sido el primero
que se ofrecio a la estacada
para librar a çamora
del rreto de tanta ynfamia.

Vien piensa que si saliera
con don Diego a la vatalla,
que no murieran sus hijos,
ni la honrra de su patria.

En yra se enciende el viejo
porque los jueces tardan
en sentenciar el suceso
de don Diego y Rodrigo Arias.

Entre temor y deseo
el brauo conde temblaua,
que avnque la sentencia teme,
mas desea la vengança.

Y lleno de sobresaltos,
con los frios cuerpos abla:
"Nos lloro quen agraz fuistes,
avnque siento vuestra falta.

Mortales herades, hijos.
Nos agrauio el cielo en nada;
que quien pudo daros vida,
pues pudo, quiso quitarla.

Dichosso yo si alcançase
en el fin de mi jornada
gloria de tan claros nombres,
como es: *Murio con las armas.*

En poco tiempo ganastes f. 69 v.
mas que yo en edad cansada:
en el cielo, rrico asiento,
y en el mundo, eterna fama."

Entre rraçon y dolores,
a toda priesa llegaua
vn hidalgo con la nueva
de que la sentencia es dada.

Y antes que la diga, el viejo,
sin sauer si es buena o mala,
"Detente, dice, manceuo;
ya voy, si don Diego aguarda.

Armado, estoy esperando
mi suerte. Toca la quarta;
que con la rraçon que lleuo,
no temo sera contraria."

"Por libre dan a çamora,
y no vencido el de Lara",

le rresponde el mensajero,
guardando fueros d'España.

Ordena el padre el entierro,
guardando de guerra vsança,
con velicos ynstrumentos,
pifanos y rroncas caxas.

Y para mayor tristeza,
la ciudad sale enlutada,
con los estandartes della
quel humido suelo arrastran.

Harmados sacan los cuerpos,
y descubierta la cara,
toda la gente les llora,
y el padre la voz lebanta.

"Çamoranos numantinos,
ciudad vien aventurada,
sola tu mereces trumfo,
pues la(*sic*) ganas cassi esclaua.

Heredaste libertad
en los fuegos de Numancia;
y agora se te confirma
con precio de sangre clara."

XXI

En su balcon vna dama, f. 70 v.
quengañò el traydor Vireno,
por quien amor fuera mudo
de mejor gana que ciego,
si ella quisiera enseñarle
lo que al pajaro estranjero,
a vn pequeño papagayo,
lestà la triste diciendo:

Hecha acà la barca, Ao;
que en el mar de amor me anego.

"Como estàs, loro, le dice, f. 71 r.
sin el tuyo y sin tu(*sic*) dueño?"

El pajaro le rresponde:

"Como cautiuo, avnque presso."

"Si tu estàs como cautiuo,
yo como cautiua quedo:
yo en mi balcon, tu en tu jaula,
hambos cargados de hierro.

Hecha acà la varca, Ao;
que en el mar de amor me anego.

No tienes de que dolerte,
que eres de rraçon ajeno.
Yo si que puedo quejarme;
que no me vale, y la tengo.

Quiero a quien me cautiùò
y sigo a quien va huyendo,
avnque no podre alcançalle,
porque huye a vela y rremo.

Hecha acà la barca, Ao;
que en el mar de amor me anego.

Hecha acà la varca rrota
de mi triste pensamiento,
que atrauiesa la memoria
en profundo mar del fuego.

Y si no, el mar de mis ojos,
de que cada dia vierto
mas agua que tu pasaste
desde tu nido a este suelo.

Hecha acà la varca, Ao;
que en el mar de amor me anego."

XXII

Quedaos so ese peñasco, f. 72 r.
qual mi ninfa duro y sordo,
rredes, que ya desta playa
calastes seños y fondo.

Quedaos, porquen vos se queden,
mis glorias en vuestros corchos,
mis años en vuestro ylo,
mis penas en vuestros plomos.

O destierro mortal, mortal partida,
antes que parta el pie, parta la vida!

Sola tù, barquilla mia,
firme qual yo en medio el golfo,
al fiero orgullo del mar
y del viento al fiero soplo
no te quedes. Y pues fuyste
en aquel tiempo dichosso
cuna de mis pensamientos,
viene a ser tumba de todos.

O destierro mortal, mortal partida,
antes que parta el pie, parta la vida!

Siete veces an sacado
los alciones (*sic*) sus pollos
despues que mis ojos tristes
vieron los alegres ojos
de aquella yngrata que saca,
sin cesar vn punto solo,
mi pecho de sus desdenes,
su gusto de mis enojos.

O destierro mortal, mortal partida,
antes que parta el pie, parta la vida!

Y si por fuerça de tiempo
blandas queexas tierno lloro,
muda lengua vez alguna f. 72 v.
desatada en dulces modos,
pudiera labrar en ella
lo quen mi la punta de oro.
Sin escusa me condena
larga avsencia y biuir corto.

O destierro mortal, mortal partida,
antes que parta el pie, parta la vida!

Ven, pues, pobre vatelejo,
al biaje peligrosso,
de quien sera el norte vela,
y el amor sera el piloto.

Ven a rromper nuebos mares,
de que camino no solo
verè si ay otra tan fiera,
o si ay tan humilde otro.

O destierro mortal, mortal partida,
antes que parta el pie, parta la vida!

Ven, no me dexes agora:
y si te duele no poco,
dejarè este vndosso seno,
como a mi este seno vndosso.

Presto, segun ymajino,
contrarias fuerças de Noto
nos volueran a estas arenas,
a mí anegado y a ti rroto.

O destierro mortal, mortal partida,
antes que parta el pie, parta la vida.

XXIII

Con luz blanca y rostro claro f. 72 v.
 Diana al campo alumbrava
 de Panfilo de Narbaez
 quesperava la batalla,
 cercado de quatro torres
 llenas de cuydosas guardas,
 y de mas de mil soldados
 de arcabuz, valleta y lança,
 quando el sosiego y silencio
 rronpieron las trompas claras,
 diciendo: "Fernan Cortes, f. 73 r.
 cierra, cierra! Al arma, al arma!"

Entrò el capitan gallardo,
 armado de blancas armas,
 desnuda en su diestra mano
 el aguda y fuerte espada.

Y con tal fuerza y denuedo
 rrompe en la coraça y malla,
 que solo se ve en el campo
 la questà despedaçada.

Quedò Naruaez turbado
 viendo su gente turbada,
 pero boluiole en su acuerdo
 vn gran golpe de alabarda.

Y avnquel golpe le a dexado
 de vn ojo la luz quitada,
 con el otro vio a Cortes,
 a quien dixo estas palabras:

"A mucho podreys tener,
 Capitan, hauerme presso;
 pues no habrá ningun suceso
 que assi os pueda engrandecer.

Y pues con tan poca jente
 me poneys en prission dura,
 tenedlo a mas ventura
 que a ser diestro ni valiente."

Riose Fernan Cortes,
 y viendo que ayrado habla,
 con rostro graue y sereno
 dixo, en voz templada y mansa:

“Lo menos que yo he podido
y he hecho en aquesta tierra,
despues que trato en la guerra,
es el averte vencido.

Y porque menos te asombres,
basta que sepas, en suma,
que yo prendi a Moteçuma
entre quinientos mil hombres.”

XXIV

Devajo de vna berde yguera, f. 73 v.
cuyas estendidas ramas
hadornadas de oja y fruta
muestran lavores galanas,
vn granado entretejido
con vn tronco de rretama,
vn peral con vn membrillo,
cercado de verdes parras,
en vn apacible sitio,
do con el canto se ensalçan
los cantores pajarillos,
haciendo bueltas galanas,
aqui, pensatiuo y triste,
el pastor Florindo estaua
mirando las yndias flores
que de su dolor son caussa.

Miraua las marauillas,
que con estremada gracia,
quando Feuo a su aposento
buelue, se muestran cerradas.

Y estendiendo mas los ojos,
mira las francas granadas
que rrompen el tierno pecho,
haciendo su fruta franca.

Muy pensatiuo y confusso
por ver contrariedad tanta,
mira sus pasadas flores
y sus presentes granadas.

Halla las flores huiertas
y las granadas cerradas;
halla las palabras dulces,
y las hobras muy pesadas.

Las flores, que siendo flores,
 son señas desesperadas;
 porque de niños juguetes
 se engendran niñas demandas;
 avnque de demandas niñas,
 las mas dulces presto cansan;
 que son como el agua en cesto,
 que, hechandola, se derrama.

Contra Cupido bramando, f. 74 r.
 rrumia la rretama amarga;
 y, por dar fin a sus duelos,
 a veces llora o ya canta.

De si mismo entretenido
 en seruicio de su dama,
 de sus lagrimas perdidas
 la rraçon pinta y estampa:

Lagrimas que algun tiempo el duro pecho
 en el ageno rrostro dauays gusto,
 volued a mi despecho;
 que no parece justo
 quien viue aborrecido estar deshecho.

Fue la blandura tanta, quen vn punto
 lagrimas en el rrostro de mi diossa
 cobrè, que no barrunto
 a ver marchita rrosa
 que de color estè qual yo difunto.

No ay cossa que me asombre ni despegue,
 ni vien que con su vista me entretenga,
 daño que no me entregue,
 ni gloria a que me venga,
 que para mas tristeza no me alegre.

XXV

En las orillas de Tajo, f. 76 r.
 no lejos de su cauaña,
 Vireno, vn pastor, sacò
 vna cinta de Lisarda,
 que le auia dado en memoria,
 en prendas de su esperança.
 Mas como le sale yncierta,
 le dice aquestas palabras:

“Como que viuas conmigo, f. 76 v.
enemiga, ya escusada,
no es justo sino que mueras,
avnque no es justa vengança.

No quiero mas desengaños,
pues tengo ya los que bastan.
Si mengañaron tus males,
mis vienes me desengañan.

No entiendes que mis suspiros
heran por ti, si te matan?
Que fueron para encender
el fuego que ya me abrassa?

No te quise, avnque te quise,
ni adorè, si te adoraua;
que fue vn ensayo que hicieron
mis deseos y tus faltas.

Nunca mi alma tubiste,
que tu no conoces almas:
si por dicha lo creyste,
despierta, ya que soñauas.

Ya buelan mis pensamientos
muy mas altos que bolauan,
y de los pasados tuyos
alibiaron ya la carga.

No me ofenden tus agrauios,
pues con ellos no me agrauias;
que desyguaes sujetos
en todo se desygualan.

Si te miraron mis ojos,
sè que fue a puerta cerrada;
que no dexan entrar cuerpos
por el passo ques del alma.

Lo que allà borrè en el tronco
de los chopos de Jarama
jamás en mi coraçon
se ymprimio; que me burlaua.

Ni los montes ni las sierras,
ni del estanque las aguas,
a quien me quejè de ti,
creyeron que me quejaua,

sino que heran cumplimientos, f. 77 r.
de mi elado pecho llamas,

que nunca pasan del sayo,
avunque parece que habrassa.

Causa fuiste de mi vien,
pues en ti mi mal se acaua:
si fuiste desgracia mia,
acauòse mi desgracia.

Otra vida viue en mi,
en medio de mis entrañas;
que para tu desengaño
las hallo desocupadas.

Haçaña fue la que hiciste,
si la tienes por haçaña
enclinar al vien mi gusto,
pues de tanto mal se escapa."

Esto dice, y con desden
la cinta en pedaços rrasga,
diciendo: "Porque no hubligues
las horas que me acompañas,

lleua el viento los pedaços,
como al fin memorias falsas."
Y, hufano desto el pastor,
se buelue ansi a su cauaña.

XXVI

Con la mano en la mejilla,
y enclinado el rostro triste,
los ojos en vn papel
que las lagrimas rreciue,
està leyendo Lisarda
de vn pastor que la persigue
mil celosos disparates,
y a todos rresponde y dize:

"Vireno, en el nombre y trato
si traydor es el que finge,
veràs que por tus rraçones,
traydor confieras que fuyste

quando fingias quererme, f. 77 v.
quando porque no te quise,
en los hopos y en los sauces
mil satiras escriuiste.

Qual adulador mantuano
de la Reyna de Fenices
scriuio por solo honrrar
al traydor hijo de Anquises,
ansi con mi honrra quieres
tus torpeças vajas, viles,
ygualar con las haçañas
del famosso griego Archiles.

Que cinta te di, traydor?
o que fauores te hice?
en que ocassiones nos bimos,
o que rraçones te dixe?

Pues saues que huy de ti,
qual de Aristeo Vridices,
y que vajara qual hella
al rrey no que Pluton rrije,
antes que manchara el alua
que la casta diossa viste
a las que al coro sagrado
de su castidad admite.

Y quel amor de mi Alvano
es onesto, casto, y simple,
pues por castidad merece
seruir al dueño que sirue;

y quel summo y sacro Jove
por sacerdote le elije
en las fiestas que celebra
de su diuino convite.

De tus libiandades nuevas
das cuenta a quien no la pide;
y es solo por decir mal
de alguna que te despide.

Desdichada la pastora
que tus seruicios admite,
pues devajo piel de oveja f. 78 r.
viene disfraçado tigre.

Mas creo que tus enrredos
sola tu sombra los sigue,
o alguno que su vengança
tus pasos, yngrato; mide.

Enfrena tu torpe lengua,
 tu libre mano corrige;
 o guarte que tu caueza
 no pague lo que ella scriue."

XXVII

Suspensa està doña Vraca f. 85 r.
 por las nuebas que le an dado,
 que mataron a traycion
 al rrey don Sancho su hermano.

Huelga de verse vengada,
 pesale del triste casso,
 porque teme que a çamora
 venga por ella algun daño.

Y estando ansi pensatiua,
 llegò el viejo Arias Gonçalo:
 "No es menester, doña Vraca,
 que diga lo que a passado.

Pongamos cobro en çamora; f. 85 v.
 quel campo està alvorotado."

Y diciendo estas palabras,
 de vna ventana mirando
 vio venir vn cauallero,
 a çamora amenaçando,
 todo cubierto de luto
 asta los pies del cauallo.

Deuajo del luto lleua
 vn arnes fino trançado:
 yncò la lança en la tierra,
 y desta suerte ha hablado:

"El cielo me dara cruda vengança,
 traydores, del delito cometido;
 y si no sale vana mi esperança,
 tendra çamora el pago merecido.
 Yo tiñirè muy presto aquesta lança
 en el traydor¹ malvado y fementido;
 y desde agora os rreto de traydores,
 hombres, mugeres, grandes y menores.

El pan, la carne rreto, y el agua y el vino,
 los peces quen el rrio andan nadando,

¹ In the ms., *y en el traydor*.

las abes que en el ayre hacen camino;
hieruas, plantas, y frutas questays dando."

Responde Arias Gonçalo: "Es desatino f. 86 r.
lo ques sin culpa estar ansi rretando;
y el que rreta a concejo està propinco
a mantener vatalla solo a cinco."

XXVIII

El gallardo Palmerin, f. 87 r.
cauallero quen España
en fuerças, valor, yngenio
a los demas aventaja;

el mas querido del bulgo
y deseado de damas,
a quien enemigos tiemblan,
y los amigos le ensalçan;

aquel quen sus años tiernos,
quando otros apenas tratan
de juguetes jubeniles,
ya destroça, rrompe, y mata;
aquel que al ayrado Marte
aqui y aculla rretrata;
aquel a quien por mas galan f. 87 v.
le puso su escudo Palas;

aquel ynfante animoso,
ynsigne conde de Palma,
cuyos pasados domaron
las almenas de Granada;
aquel que pudo quitar
de mil pechos la arrogancia,
y con vna espada sola
rrendir vn mundo despadas;

quanto mas diestro, briosso,
por seruicio de su dama,
en la corte de Philipo
sale a festejar la plaça.

Celebrauase la fiesta
del Bautista, cuya causa,
por la costumbre del pueblo,
se corren toros y cañas.

Mas la poca prebencion
que asi en tales cosas falta
hace falta al mismo tiempo,
y mil fiestas desvarata.

Por la mucha breuedad
a las cañas puso pausa;
encerraronse los toros
como pajaros en jaula.

Lunes hera, si me aquerdo,
quando ya la fiesta se amansa,
y quando el dorado Febo
nos ba voluiendo la cara;

de mil doseles y telas
adornadas las ventanas,
y en ellas angeles puestos,
custodias de cien mil almas,
quando al vatallar de vn toro,
a cuya ynsigne vatalla
las tres diossas se juntaron
de la discorde mançana.

Passo a passo se va el conde
a guardarle cara a cara,
y con vn corto rrejon, f. 88 r.
que apenas al suelo alcança,

meneando el braço fuerte,
cuya fortaleza y maña
siente la dura ceruiz
de la yndomable alimaña,
por cima del ceruiguillo
con tanta fuerça lenclaua,
que rrinde de vn solo golpe
toro, envidia, lança, y damas.

Ocupa el cuerpo la tierra,
y de medrosa no brama,
que teme si guarda herida
de quien a segunda mata.

Enpieça el rronco mormullo;
dibulgòse por la plaça;
y a su pesar mil guerreros
le vienen a dar la palma.

Detienese el sol por verle;
alegre le abraça el de Alua;

el vno le da la mano,
y otro le mete en el alma.

De aqui para alli le traen,
mostrandosele a las damas,
rreciuiendo paravienes
de su braço y su pujança.

Dejo el dulce sentimiento
de aquella que fue la causa
y pudo darle fauor
para semejante haçaña.

No se a visto ni berà
tal fruto en tan tierna palma.

XXIX

Porque me tapas la boca,
es tu gusto que me aogue;
no me agas rrebentar;
dejame, por Dios, dar voces.

Como que quieres que sufra
tantos cansados coplones,
en rromances transformados, f. 88 v.
de poetas maricones,

que muy de veras celebran
las lançadas de rrejones,
encareciendo sus glorias
por del mundo las mayores,
y levantan a las damas,
que todas mueren de amores
por el brio y jentileza
destos narcisos leones;

y envelesadas no comen,
si no son tiernos capones;
ni rreposan en la cama,
faltando blandos colchones;

y que de la balentia
los extremos y primores
se hallan todos en ellos,
qual cifra de perfecciones;

que ynpresas tan señaladas
de los rromanos feroces,
que a despecho de los tiempos
las muestran piedras y bronces;

que por librar ciudadanos
 las coronas de rrobles
 v las de grama que dauan
 al que libraua trayciones;
 que por vatallas nauales,
 las rrostradas y las nobles,
 mural(*sic*) trumfal y acebuche,
 premios de fuertes varones;
 que haçañas de soldadesca
 desvaratando esquadrones,
 para eterniçar con toros
 sus ynbencibles rrenombres;
 que Cides, Carpios valientes,
 Fernan Gonçalez, y Ordoñez,
 que Garcilasos haciendo
 de moros muertos montones;
 no quiero entrar en exemplos
 de antiguos y nuebos hombres,
 que la lisonja y mentira f. 89 r.
 las verdades desconoce.

Tornas apretar que calle;
 callo, porque no te enojés;
 que a las beces mejor se habla
 callando viuas rraçones.

XXX

Tirsis, el pastor ausente
 de Lausa, su prenda cara,
 desterrado del amor
 y de su pastora yngrata,
 triste, solo y afligido
 afligida vida pasa,
 apacentando cuydados
 en las dehesas del alma;
 de quien su memoria triste
 enjendra suceso y causas
 de los vienes que perdio
 y de los males que halla.

Sus canciones son el llanto,
 dolor, suspiros, y ansias
 que lleguen a los oydos
 de aquella que asi le trata.

Trocò por cayado y honda
otras diferentes harmas,
el sufrimiento y paciencia;
ques mucho auerla en quien ama.

No viue con el rregalo
que tubo alla en su cauaña;
que a quien amor le persigue,
de cama le siruen las çarças.

Fortuna, el cielo, la tierra,
trauajo, angustias, vengança
a dos manos le destruyen
con sus miseras desgracias.

Y para defensa destos
le sustenta vna esperança;
que avnque se tarda su fin,
le llega quanto mas falta.

Y si el duro sentimiento f. 89 v.
de su veneno salga,
le aprieta la fe que tiene,
le entretiene y le leuanta.

Entre estas adversidades,
do su disgusto se fragua,
tormento de su castigo
y pena de sus açañas,

ni las dulces avecillas,
ni el prado y sus flores varias,
ni los arroyos y fuentes
con sus cristalinas aguas,

le alegran y dan placer;
mas antes todo lenfada;
que muestras exteriores
jamas vn dolor apagan.

Pero olvidandose vn poco
de sus quejas ya tan vanas,
desechando de su pecho
la passion que se las causa,

tomò su rrauel templado,
con quien siempre se acompaña,
y, despidiendo la voz,
aquestos versos cantaua:

Ay, Lavsa rigurosa,
cruel, ynexorable a mi gemido!

Si el serme piadosa
merece el graue mal por ti sufrido,
ablanda tu dureça,
para que alcance el premio mi firmeça.

XXXI

Admirome tanto en verte f. 89 v.
el vello donayre y gracia,
que siento dentro en mi pecho
que me tienes presa el alma.

El dia passo muy triste;
no me alegra el sol y el alma,
ymajinando que tienes f. 90 r.
pura luz de mi esperança.

De noche estoy eleuado,
soñando mil cosas falsas,
que me dan gloria contigo,
y que vna paz nos enlaça;

y que lo que es de tu gusto
es el mio sin mudança,
y quentrambos coraçones
se dan vna fe y palabra;
y que yo muero por ti,
y tu por berme te abrasas,
y vna misma voluntad
cada qual al otro guàrda.

Con aquesto me entretengo
asta ver tu hermosa cara,
si fortuna venturossa
me es propia y no contraria.

Y estoy tan pagado desto,
ni sè si es mentira o trama,
que qualquier cosa que hoygo
me parece verdad clara.

Y estando ansi contemplando,
se llegò a mi vna jitana,
diciendome la ventura
que amor me tiene guardada;
y que vna hermosa y rrubia,
por extremo hermosa y blanca,

me quiere mas que a ssi misma,
y que por mi suspiraua;
y que con laços estrechos
tiernamente abraçaua,
hablandome dulcemente
por sauer que yo la amaua.

Ruego al cielo no me mienta,
porque se alegran mis ansias;
quen algo suele acertar
el que demasiado habla.

XXXII

La niña que allà en la fuente
perdio sus çarcillos de oro,
candados de su querido
contra lisonjas y antojos;

la que cantaua al pandero: f. 93 r.
"Taño en vos, y no sè como
cuydo en el que està olvidado
de que le lloran mis ojos";

la que a la guerra marchaua,
tras su querido dichosso,
si su pundonor no fuera
de su boluntad estoruo,

viendo que por lenguas malas
dexa de cumplir vn boto
en fauor de su esperança,
con que hiço ya diborcio,

a su hermana, que boluio
a querer bien a Bartolo,
esta letrilla cantaua
con voz triste y triste el tono:

Belador quel castillo belas,
belalo bien, y mira por ti;
que velando en èl, me perdi.

Dile, hermana, a tu sentido,
velador del coraçon,
castillo de tu aficion,
con deseos combatido,
que no se quede adormido,

y que tome escarmiento en mi;
que velando en èl, me perdi.

Vn engaño y mil suspiros
seran los contrarios tiros
para batir tu castillo;
y perderas los sentidos,
y diras, fuera de ti,
"Yo belando me perdi,
velador quel castillo velas."

XXXIII

SATIRA

Los que algun tiempo tubistes f. 96 v.
noticia de Labapies,
de oy mas saued que su calle
no laua, que gucia es.

Que en ella ay tres damas,
que a ser quatro como tres
pudieran tales colunas
hacer vn burdel frances.

La capitana de todas,
hija de la sauia Ynes,
haunque quien es no se saue,
Espinel dira quien es.

O su antiguo coronista, f. 97 r.
el poeta magances,
conocido por Velardo,
como Juan de Leganes.

Las virtudes desta dama,
por quien andubo Turles,
sus rromances las celebran,
como al doctor don Andres.

El alferez doña Juana,
quel don se puso despues
que supo que hera parienta
del conde Partinuples,

el sobrenombre Rribera,
vn linaje montañes,
tan antiguo que se acuerda
de aquel poeta Moyses,

es puta de dos y quatro;
y a mi me dixo vn yngles
que la vio sus blancas piernas
por dos varas de lantes.

El cauo desquadra honrrado
Anilla Velazquez es,
antes puta que nacida,
como lo saue el marques.

Estàse el pobre librero
hecho venado montes,
y la bellaca en su rreja
como rramera cortes,

por no dexar a su prima
perroquiano o feligres,
avnque ser hechura suya
es lo mejor de su arnes.

A quantos piden su cuerpo
se le da por ynteres;
hiço profesion de puta:
ved que convento de Vcles.

Enpreñose de vn farsante,
enamorada al rrebes.
Mal pario la pobrecilla,
antojada de otros tres.

Otros dicen que la tubo f. 99 v.
sujeta, ques harto, vn mes;
porques mulato en la cara,
y en la pieça torrontes.

Enamoròle la barua
del bouo del entremes,
como a otra vecina suya
dar panarrilla traspies.

Tiene tan gran delantera,
que se le junta el enbes,
por mas que se lo defienda
çumaque, piña, cipres.

Si sangines rrepresenta,
se ha de hechar con san Gines;
y avnque le tenga su prima,
se le mete de traues.

Dicen que agora la tiene
el alguacil calabres,

avnque nacido en Granada,
y en la color cordoues.

Y como aqueste no pudo,
hechòlo a su guardanes;
con Prado y con Baldiuieso
dicen que fue descortes.

Saue tambien el oficio
de agradar al jinoues,
que agarra mas al que coje
que pulpo ni cientopies.

Chapines del valenciano
y barros del portugues,
abanillos del guantero
y cortes del milanes

la tienen, letor amigo,
en el punto que la ves.
Y si no, prueba a buscalla
con medio real que la des,
y llebartela ha su madre
quando mas seguro estès.

Estas son las tres que ensucian
el barrio de Labapies.

XXXIV

Yngrata Merissa mia, f. 100 r.
tan hermosa quanto yngrata,
si tu la palabra rrompes,
quien pondra fe en palabras?

Lisonjeasme en presencia,
y en avsencia me maltratas;
y en presencia y en avsencia
de solo mi daño tratas.

Quando vengo, me despides,
y quando me voy me llamas;
y que me vaya o me venga,
todo te disgusta y cansa.

De mis suspiros te ofendes,
y de mi rrisa tenfadas;
de verme triste te burlas,
y si me alegre, tespantas. f. 100 v.

Ries de mis pesadumbres,
y quando yo lloro, cantas;
ques gloria para tus ojos
el tormento de mi alma.

Si no los miro, me miras;
y si los miro, los vajas;
porque saues que con esto
todos mis males levantas.

Si ablo, me llamas libre,
y si no hablo, te cansas;
y que hable o calle, estàs
alegre de ver mis ansias.

De mi livertad te pessa;
mi cadena no te agrada;
ya libre y preso, te muestras
mas libertada y gallarda.

Pues goça tus libertades;
que quando mas descuydada,
el tiempo y tu desamor
me daran de ti vengança.

XXXV

De blanco y menudo aljofar f. 100 v.
cubierta cuerpo y cabeça,
que de las bordadas nubes
a derramarse comiença,

Merisa la del lunar,
conocida en nuestra aldea
por los extremos que tiene
de hermosa y de discreta,

dejando su alvergue triste,
que todo lo està en su avsencia,
sale alegre al campo alegre,
que lo està con su presencia.

Reberdece el seco prado
adonde el blanco pie asienta;
pintase el valle de flores,
y la yerua se acrecienta.

Qualquiera planta que toca f. 101 r.
nueba flor produce y lleua,
y donde pone los ojos,
las tempestades serena.

El cefiro con su vista
amorosamente suena;
y el rrio, por ver, el curso
de sus corrientes enfrena.

Llegò al valle del jazmin,
donde està la fuente seca
cercada de verdes mirtos
y de blancas açucenas.

Aquí se puso a coger
el treuol y la veruena,
y conpusso vna guirnalda
de otras flores y estas yeruas.

Estandola conpuniendo,
el pastor Tirsenio llega,
tan desnudo de contentos,
quanto vestido de penas.

En los ojos se leyeron
lo quen las almas encierran;
quel amor perfecto y puro
en ellos pone la lengua.

Diole vna flor de rretama,
cuya color diferencia,
de la qual pinta su tronco
en la siluestre corteça.

Con el alma las rreciue,
y con la voca la vessa;
con las entrañas la adorna,
con los ojos la contempla.

Y dice: "En estos colores,
dan, pastora, mi sentencia
desesperaciones viuas
hechas desperanças muertas."

XXXVI

Delante de Alvoacen, f. 102 v.
rrey sarracino de Granada,
està don Diego de Cordoua,
hijo del Conde de Cabra,
pidiendo que le dè campo
para que haga vatalla
con el brauo don Alonso,
el que de Aguilar llamauan.

Porque, siendo ya su amigo
de vna enemistad pasada,
le conbidò a colacion,
y le prendio en su posada.

El rrey le señala campo
en medio la vega llana;
y don Diego a don Alonso
este cartel le enbiaua:

“Si quien prendio a vn hombre solo
con muchos de mano harmada
es hombre, que con las suyas
se atreue a jugar las harmas,

*(Falta el folio 103. La
llamada al pie del folio 102 v.
es: si el ques.)*

y atando a la cola vna, f. 104 r.
la arrastrò por la campaña,
tomando por testimonio
el casso como pasaua;

y boluiendose a Castilla
allò quen prision estaua
don Alonso, a quien el Rey
hechò presso por su causa.

Y prendiendole a èl tambien,
se dio el Rey tan buena maña,
que sin muerte de la honrra
viue de los dos la fama.

XXXVII

Niño amor, nuestras peonças
y fraylecicos de huaa,
el calderon y los pitos,
y los caualllos de caña;

los vestidos de papel,
de Guadmeci las harmas,
de plomo las espadillas,
y las pajarillas de agua;

y el pesso que tu hiciste
de las dos medias naranjas,
con que pesauas antaño
fauores para las almas,

todo lo a quemado el fuego
de los ojos de vna yngrata;
que, como rrayos del cielo,
todo quanto toca abrassa.

Y avnque hermosa en extremo, f. 105 v.
la niña que alauabas
parece, puesta con ella,
lo quel cobre con la plata.

Y con ser hermosa tanto,
es, Amor, tan abisada,
que la misma discrecion
aprende de sus palabras.

Entrañas tiene de fiera,
avnque del cielo la cara;
ques angel en hermosura
y vna fiera en las entrañas.

Tiene la conversacion
qual el tigre en las montañas;
que si se hallega a los hombres,
es para vengar su saña.

Asigura quando yere,
ofende quando rregala;
castiga quando enamora,
y al son de la voz encanta.

Mata con boluer los ojos,
y a veces, altiua y braua,
no mata por no dexar
fauorecido al que mata.

Desde que la vi, quedaron
juntas la suya y mi alma,
la suya hecha figura
en la mia, ques medalla.

Aborrezco desde entonces
lo quentonces me agradaua;
y adoro en el coraçon
lo que me ofende y agrauia.

No voy, Cupido, a la escuela,
y los muchachos se espantan,
que ya no juego con ellos
lo que otro tiempo jugaua.

Arrimè las niñerías,
porque, avnque no tengo canas,

siento ya en mí, niño ciego,
los efetos de sus causas.

Que a los niños que lastimas, f. 106 r.
haces hombres de edad larga;
y a los viejos haces niños,
tiñiendo el seso y la varua.

Vengo a rrogarte, Cupido,
por lo que me asigurauas,
quando te fuyste huyendo
y te acogi en mi cassa,
no que su pecho lastimes,
pues fuerça de amor no basta,
no quiero, quando pudieras,
por no verla lastimada,

sino que tu le supliques,
con voz amorosa y blanda,
consienta que mis tormentos
diga que son por su causa.

Que si lo haces, prometo
de darte para la Pasqua
vnos braceletes de oro
con que engañes las muchachas;
y quando llegue el ynbierno,
pues el frio te maltrata,
para que dèl te defiendas,
vna rropilla de martas.

Mas guarte, Amor, no te quedes
entre sus hebras doradas;
que haràs mucho, si puedes,
sin enlaçarte, mirallas.

XXXVIII

Hermano Perico, f. 108 r.
baste ya la fiesta;
que no soy muger
de niños descuela.

Andar yo galana
es ya cosa vieja,
desde los botines
asta el albanega.

Y podras ponerte
tu camisa nueva;

que no me deslumbran
calças destameña;
ni esas golosinas
que ya para mi f. 108 v.
para mi son buenas,
las burlas son veras.

Mi madre ha jurado
que no he de ser fea;
y la del alcalde
me llama su nuera.

No heres tu el galan
que ha de darme pena;
que heres chico y rromo,
delgado de piernas.

Mis quartos de cassa
mis garuanços heran;
mis chochos, de oro;
viuas mis muñecas.

Ya mestan haciendo
vna saya entera
de titiritaña
forrada en vayeta.

Y tengo en el arca
chapin de Valencia,
con cintas açules
y botilla abierta.

Dicese quen tiempo
de nuestras agüelas,
las que oy son damas
niñas bouas heran.

Ybanse las moças
cassi casaderas
entre los muchachos
llenos de vozeras.

Y ellos en pañales,
y hellas en faldetas;
ni ellas los sentian,
ni ellos a ellas.

Ya, Perico hermano,
va de otra manera;
no ay niña en el mundo,
ni apenas doncella.

El niño se muere
por hacer hacienda;
y la doncellica f. 109 r.
por llegar a dueña.

Pesso mas que vn ganso
por grande que sea;
alcanço al candil,
habro el alacena.

Doyme coscorrones
en la chimenea;
si puedo casarme,
hecha està la prueba.

Con tu Bartolica,
y otras como ella,
haràs tus dibujos
muy en ora buena.

Marica, a Perico
dada esta respuesta,
metiose en su casa
y cerrò la puerta.

XXXIX

Carcel heres tu, f. 115 v.
digote escuela,
crisol de verdades,
toque de paciencia.

Nueuo laberinto,
mayor que de Creta,
sepulcro de viuos,
abismo de penas;

oraculo triste
y mar de sirenas,
torre de Nembrot,
confusion perpetua,

donde los que labran
se pagan de quejas;
ydra ponçoñosa
de muchas caueças;

ynfernal cudicia,
anbrienta pobreça,
a tus manos vine,
pero no me pesa.

Pues fue tu cayda
caer en la quenta;
por ti he conocido
la fe lisonjera
de amigos fingidos
que este tiempo lleua.

XL

Señora doña Maria, f. 116 v.
buessa merced se rresuelua,
si quiere, por bien de paz,
juntarse conmigo a cuenta.

O tasen dos oficiales
lo que merece en conciencia
vn amor de tanto tiempo,
y vna fe tan berdadera.

Y si nada desto quiere,
no forme del hombre quexa,
si siguiere su justicia
donde con derecho deba.

Creame que la conozco
mejor que si la pariera;
ques en extremo burlona,
y falsa en la quinta esencia;

que no ay faysan tan sabroso
al gusto, que ansi le sepa,
como ver a sus amantes
en competencia perpetua,
y sentir crujir broqueles
de noche quando pasean,
con los pechos acerados
y las entrañas de cera;

pareciendola, si sacan
rrelampagos de las piedras,
que son centellas del fuego
en que se abrasan por ella.

Sepa que ya no me pago
de comendador despera;
ques muy pesada la cruz,
y no parece la renta.

Cantaua vn tiempo mi parte, f. 117 r.
pero ya no mete letra;
que he perdido en tantas pausas
la entonacion y la quenta.

Presteme vn poco atencion,
señora, sobre vna prenda,
pues, sin ella, a sus desdenes
e prestado yo paciencia.

Y si no la concluyere
en mi, que soy vna bestia,
por lo que çufro me saquen,
si la tengo, a verguença.

Seruicios quen tanto tiempo
tan poco lucen y medran,
son de palma, cuyo fruto
no le coje quien le siembra.

Son pacta de porcelanas,
que por cien años la entierran;
y sirue a los sucesores,
y a su dueño no aprovecha.

Son mandas de testamento,
señora, estas sus promesas;
que para verlas cumplidas
he de aguardar que se muera.

Pues no a de viuir mil años,
no es de casta de cueruas,
avnque negra la mire,
y negro caro me questa.

Aguarda a darme turrone
quando me falten muelas,
o a estar tan llena de puntos,
que me envide y no la quiera.

Este creciente de luna
le doy por plaço y enmienda,
para que su fe y sus obras
con la misma luna crezcan;

con protesto que al menguante
si no quedare muy buena,
purgarè yo con olbido
mis coleras y su flema.

Y la enbiarè entre dos platos f. 117 v.
sus grillos y sus cadenas
por señas que me despido,
pues me despide por señas.

Y cobrará por la posta
sus humos mi chimenea,
ques lance forçosso el humo
despues de la llama muerta.

Y desde luego conbido
las damas a mi almoneda,
y la que mas ofreciere,
por muy buena pro le tenga;
 quen aquella enfermedad
que antaño tube tan rrecia,
prometi de no perderme
por nadie que no me quiera,
 que desdeña y no despide,
y con rrigor amartela,
y entre gustos al fiado
da de contado las penas.

XLI

Casòse en Billabarua f. 118 r.
Juan Sanchez el rrecuero
con Marina Garcia,
la hija de Anton Crespo.

Y prometiole en dote,
muy bien cargado el suegro,
la burra de Beleces f. 118 v.
y vayales viejos.

Y aquella mesma noche
que se hiço el concierto,
negaronsela al nobio:
quedòse patitiesso.

Y allà a las doce dadas,
en lo mejor del sueño
soñando, dixo a boces,
como hera harriero:

“Jo, jo! que te estriego,
burra de mi suegro.”

Al fin se la entregaron,
despues del casamiento,
el sacristan y el cura,
por ser vso del pueblo.

Tomaronla los dos,
y al nobio se la dieron.
Tomòla luego el nobio
delante el rregimiento.

El suegro dice al hijo:
“Haced como buen hierno
en sustentar la carga
del santo matrimenio.”

“Por Dios, dice Juan Sanchez,
si mas me days consejo,
que me heche con la carga,
y diga que soys vn necio.

Jo, jo! que testriego,
burra de mi suegro.”

“Por Dios, si os arrebatò,
le a rrespondido Crespo,
que os dexe a dos puñadas
mas manso que vn borrego.”

El suegro toma vn canto
y el hierno toma vn leño;
el cura y rregidores
se meten de por medio.

El cura dice al yerno:
“Calla, que soys vn necio;
y que ha de ser vn manso f. 119 r.
el que de Dios es sieruo.”

“Par Dios, que si yo fuera,
Juan Sanchez dixo, el crego,
que diera en vn pantano
con todo el arrimuesco.”

Jo, jo! que te estriego,
burra de mi suegro.

Tomaronlos las manos
y amigos los hicieron;
y toda la pendencia
se boluio en contento.

Y binolo a pagar
vn desdichado cuero
questaua en vn rrincon
pacifico y quieto.

Hecharonse los nobios,
porque hiua anocheciendo;
y apenas se an hechado
quando salio huyendo

Marina de la cama,
diciendo: "Oxte, puerco!"
Juan Sanchez se leuanta
tras ella y ba diciendo:

"Jo, jo! que te estriego,
burra de mi suegro."

XLII

Sin duda, hermana Juanica,
entiendes que nasci en Vauia,
y que mi padre fue tonto,
y mi madre mentecata;

y que al dexar de la leche
me destetaron con paxa,
y que me mamo los dedos,
y que se me cahe la baua,
pues que juntando contigo
mas que dinero y palabras,
no te puedo defender
que a los ojos no agas trampas.

Y como mi fe es sencilla, f. 119 v.
yo no ago suerte doblada;
tu siempre con presa en vna
y pinta en otra me ganas.

E jugado con mil niñas
de hedad florida y temprana,
mas nunca he bisto ninguna,
que tantos encuentros aga.

Y por momentos descubres,
Juanilla, tu carta blanca,
la mas bella que ha uibido
devajo de humanas faldas.

Varajo quanto es pusible,
mas no me aprouecha nada;
porque por los propios filos
galanamente me matas.

Pero mil diablos mē lleuen,
si me ganares mas blanca;
por lo quen ganarme pierdes,
lo que te gano se vaya.

En no jugar mas granjeo
que quedes desengañada
de que no estubo picado
quien perdiendo se leuanta.

XLIII

Sembradas den trece en trece
por los jirones y mangas
de mil roeles açules,
vna marlota bordada,
vn capellar amarillo,
terciado con vnas bandas
de carmesi guarnecidas
con rrapacejos de plata;
vn turquesado bonete
con quatro laçadas blancas,
que quatro medallas tiene,
y en quatro piedras sus harmas;
entre dos plumas pajiças,
vna berde y dos moradas,
y la berde muy oscura, f. 120 r.
como demuestra esperança;
y vna letra en oro escrita,
que la pluma verde enlaça,
diciendo: "Entre amor eterno
mas que muerta viue el alma";
de açul, blanco y amarillo
lleua teñida la lança;
al braço vna toca negra,
y vna esfera en el adarga;
vna letra en medio el campo,
que dice en lengua christiana:

“Ni mas alto pensamiento,
ni mayor fuego en el alma;
quesperanças ynpusibles
es fe que nunca se paga”.

Y en la orla mil antojos,
que vnos a otros se traúan.

Y por las lunas de todos,
dos calaueras de plata,
con vna letra que dice:
“O morir, o mirallas”.

Vnos borceguies negros,
sola la buelta dorada;
dos grillos por acicates,
con tanto primor y gracia

que descubre su prission,
batiendo vna yegua blanca
que lleba vn rrojo jaez;
y vna mochila morada,

bordada de mil trofeos,
de manoplos y despadas,
trompetas, yelmos, escudos;
y de caueças cortadas

vna banderilla açul,
con vnas berdes granadas,
y en morisco aquesta letra:
“Maduran para ser agrias”:

sale el famoso Celindo,
alcayde de Lora y Vaça,
conbaleciente de heridas, f. 120 v.
mas no de amores de Zara;

que se las diera el maestre
vn dia por la mañana
en el vado de Genil,
asta los pechos el agua.

A buscar se parte el moro,
entre la gente christiana,
quien le defienda vn rretrato
de mas hermosa y galana.

XLIV

Confusso y falto de gloria, f. 121 v.
copiosso de pensamientos,
de celos muy abundante,
y esteril de pasatiempos;
 lleno de memorias tristes,
de desdenes hecho exemplo,
con la mano en la mejilla,
pensatiuo està Sireno,
 diciendo: "Filena mia,
heres mar de deuaneos,
heres beleta en tejado,
y mudable a todos tiempos;
 que buscas las ocassiones
por solo mudar de yntento;
y quantas oras el dia,
tienes tantos mobimientos;
 y si te voy ha ablar,
en fuego de amor ardiendo,
te abrasas y lloras tanto,
que me pones escarmiento,
 para que en toda mi vida
no te ponga en tal extremo;
porque la pena que finjes,
tu la muestras y no la siento;
y si qual la muestras, sientes,
no te entiendo o no me entiendo."

Esto decia el pastor,
quando por el prado ameno
vido rretoçar las cabras,
las yeruas hacer extremo.

Las secas rreberdecian f. 122 r.
y hechan flor todas a vn tiempo;
los pajaros en los rramos
cantan de puro contento,
 y haciendo gran melodia
salen al rreceuimiento;
y vio benir a Filena
haciendo los años buenos.

XLV

Cantaua muy triste, f. 122 r.
con una boz graue,
madre, vn cauallero
questaua en la carcel.

Viniendo de casa
de mi tia vna tarde,
le oy que a vna reja
que cae a la calle,
cantaua el cuytado
al son de vn discante.
Hera, si me aquerdo,
aqueste romance:

Mi padre fue de Castilla,
de lejas tierras mi madre;
rreyes fueron mis abuelos,
avnque agora no soy nadie.
Solia tener amigos;
no ay ya dellos quien me hable.
Mis hermanos y parientes
no me juzgan por su sangre.
A vno que conmigo estaua,
porque no se mejorase
nuestro mal, comunicado,
le tienen preso y aparte;
que ni sè de su fortuna,
si a la mia es semejante,
sino es por vn pajecillo
que nuestros secretos saue;
que aquesta prision esquiba,
la padezco miserable;
por yndicios de vna muerte f. 122 v.
he sufrido tantos males.
Y si les busco el rremedio,
todos me los lleua el ayre;
tengo la cama de abrojos
por ser mis cuydados grandes.
Mi comer es yel amarga,
que satisface a mi hambre.
Si sale el sol claro al dia,
a mi al medio dia sale;

que tengo por mi rrelox
sola la boz del alcayde.
Seruia en el siglo a vna dama
de condicion mansa, afable;
avnque agora, como preso,
no se precia de mirarme.
Pasa a bista de la rreja
los mas dias por la tarde,
tan descuydada de mi,
que muestra ser vien mudable.
Acrecienta su crueldad,
sin que mis desdichas basten,
pues pudieran solo ellas
hacer cera de diamantes.

Mal aya la hembra,
madre, que tal hace!
porquen estos tiempos
hera el rregalalle.

Ay, cuytado dèl!
Quien le libertase,
o si para aquesto
pudiera ser parte!

Aquesto cantaua
del buen Ruy Fernandez
vna hermosa niña,
jurando libralle.

XLVI

Quando sale el sol, señora,
yo solo maldigo el sol;
que si sale vn sol al mundo, f. 123 r.
a mi se me ponen dos.

O, si fuera siempre noche!
que no en balde es ciego amor,
y para el ciego lo mismo
es sombra que rresplandor.

Solamente las tinieblas
amigas calladas son.
Yo sola a la noche ya
la llamo muda, sin voz.

Veysle tan de buena cara?
 Pues es tan maligno el sol,
 que siempre dexa su hermana
 a que aceche por los dos.

El fue el que a la pobre Venus
 con Marte la descubrio,
 y se lo dixo al marido
 que con la red los cojio.

Su hermana no parlarà,
 porque saue que sè yo
 mil cosas que parlar della
 y del pastor Endimion.

Dice quen el monte Lanio
 desnuda se le entregò,
 avnque por bella desnuda,
 dio tal castigo a Hanteon.

Si de noche la miraua
 por ventura el caçador,
 no le quitara la vida,
 que se abergonçò del sol.

O noche, quien no te estima
 no sabe ques el amor;
 que a las diosas y a las damas
 ablandas la condicion.

XLVII

Ausente, oblidado y solo, f. 123 r.
 muere el mas firme amador,
 entre sus mortales ansias
 llamando a quien le matò.

Ay, Dios, que graue dolor! f. 123 v.
 Cruel y dulce señora,
 ymagen de mi afficion,
 por què sin rraçon me olvidas,
 si me amaste con rraçon?

Ay Dios, que graue dolor!
 Quien me quitò, vella Doris,
 el vien quel cielo me dio?
 Quien a trocado mi suerte?
 Quien mi esperança trocò?

Ay Dios, que graue dolor!

Por quien mis buenos seruicios
tu belleça ymajinò?

Quien tu noble, casto velo,
diuina diosa, rrompio?

Ay Dios, que graue dolor!

Vi tu claro cielo abierto
y en èl tu apacible sol,
quenbuelto entre tus mudanças
por matarme se eclipsò.

Ay Dios, que graue dolor!

Disteme mortal veneno
mezclado con aficion;
fingiste que lo veuias
porque lo beuiese yo.

Ay Dios, que graue dolor!

No consideres, señora,
el graue estado en questoy,
ni el bien de mis muertas glorias;
que haràs agrauio a tu honor.

Ay Dios, que graue dolor!

Viue ya, Doris, a gusto;
que he sido tu deudor.
Reconozcote la deuda,
y pago con lo mejor.

Ay Dios, que graue dolor!

Oy mueren mis desengaños,
si mueren muriendo yo;
que vida sera mi muerte,
pues tu crueldad me matò.

Ay Dios, que graue dolor!

XLVIII

Bolando passa el año su carrera, f. 124 r.
encaneciendo mas el tiempo anciano;
nieua en ynuierno, y el galan verano
enrrama a su florida primavera.

Haze la hedad que con su curso muera
lo mas durable al parecer humano;
los techos que dorò la rrica mano
quedaron finalmente en la madera.

Otros suelen decir quel tiempo cura
de males largos, de aficion quexosa.
Triste de aquel que su rremedio aguarda!

Qualquiera buena andança està en ventura,
mas si esta viene a mí tan pereçosa,
trempano(*sic*) me parece que se tarda.

XLIX

Del Vauilonio la mortal herida, f. 124 v.
y el perpetuo dictador rromano,
y el desastrado fin del africano,
y de la gran Cartago la cayda;
el que en Ejipto fenecio la vida,
y la perdida grande del persiano,
el funesto suceso del yspano,
y la ynsigne Numancia destruyda;
mis tristes años, mi florida suerte,
el poco galardón de mis cuydados,
y la ynmortalidad del mal que siento;
el triste fin y la afrentosa muerte
del qu'España llamò mayor priuado,
alibie, Antonio Perez, tu tormento.

L

El oy me mata, en el mañana espero; f. 125 r.
y quando allega a ser el oy mañana,
allo ser mi esperança toda vana;
y ansi en lo quesperaua desespero.

Muere aquí mi esperança, y yo no muero,
porque vn desesperado en morir gana;
y tiene el cielo todo junto gana
de ynpossibilitar el vien que quiero.

De ayer, de oy, de mañana tengo queja;
que ayer, porque hera bueno, se me ha ydo,
y oy no passa, porque me hace ofenssa;

Mañana, en quien espero, se me aleja.
Desdichado de aquel ques ofendido
del mismo en quien espera su defensa!

LI

Vna dama se vende. Ay quien la quiera? f. 125 v.
En almoneda està. Quieren compralla?
Su padre es quien la vende; que, avnque calla,
su madre la siruio de pregonera.

Treynta ducados pide, y saya entera
de tafetan, piñuela, o anafalla;
y la mitad del precio no se halla,
por ser el tiempo esteril en manera.

Mas vn galan llegó con diez canciones,
cinco sonetos, y vn gentil cabrito;
y aqueste rrespondio ser buena paga.

Mas vn frayle le dio treynta doblones,
y aqueste la lleua. Sea Dios bendito!
Muy buen prouecho y buena pro le haga!

LII

Qual niño tierno y cauto, que, contento, f. 126 r.
vn bello pajarillo tiene atado,
y le dexa, en la cuerda confiado,
tender las alas por el manso viento;

y quando mas en esta gloria atento,
crebandose(*sic*) el cordel, quedò burlado,
siguiendole, en sus lagrimas bañado,
con los ojos y el triste pensamiento,

bien tal he sido yo, que mi memoria
dexè llevar de pensamientos vanos,
colgado de la fuerça de vn cauello.

Lleuòse el viento el pajar y mi gloria,
y dexòme el cordel entre las manos,
que habrà por fuerça de seruirme al cuello.

LIII

Suelta mi manso, pastorcillo estraño, f. 126 v.
pues otro tienes de tu ygal decoro;
buelue la prenda quen el alma adoro,
perdida por tu bien y por mi daño.

Ponle su esquila y su grosero paño;
no me le engañen tus collares de oro;
toma en albricias este blanco toro,
que a las primeras yeruas hace vn año.

Si pides señas, tiene el vellocino
negro, encrespado; y los ojuelos tiene
como durmiendo en rregalado sueño.

Si dudas que soy su dueño yndigno,
suelta, y veràsle que a mi choça viene;
que avn tienen sal las manos de su dueño.

LIV

Quando la seca yerua rreuerdece, f. 127 r.
vello pastor, y a todo el mundo aplace;
quando en agua la nieue se deshaze
por el sol quen el Toro rresplandece;

la yerua nasce y la nacida crece,
canta el gilguerillo, el corderillo pace,
tu pena, a quien ninguna satisface,
del general contento se entristece.

Què te desvela, hermoso çagalejo?
Las pastoras del Tajo? tu omicida?
que avn es èl dueño de tu amada pena?

Ay de quien tiene, por su mal consejo,
el rremedio ynpusible de su vida
puesto en las manos de la muerte ajena!

LV

Huyendo vengo la escarchada nieue f. 127 v.
quel pecho mas cruel y elado encierra,
donde el fuego de amor, sin otra guerra,
de frio muere, si a llegar se atreue.

Ruego a la avsencia que a morir me lleue,
siquiera adonde me rresuelua en tierra;
y ame traydo a la fragossa sierra,
donde a montañas la derrama y llueue.

Tiendo los ojos por su falda, y veo
las blancas peñas que sacude el viento;
si es nieue, e de morir destierro fiero.

A la que allà dexè voluer deseo;
que ya que no agradezca mi tormento,
sabrá a lo menos que por ella muero.

LVI

Ay, avsencia cruel, ay, trago fuerte!
ay, ynmenso dolor, ay, pena larga!
ay, cuerpo sin ventura, ay, dura carga!
ay, lastima no vista, yo he de verte!

f. 128 r.

Ay, signo trauajoso, ay, triste suerte!
ay, sola soledad, ay, vida amarga!
ay, esperança larga, pues le alarga
el tiempo desperar la dulce muerte!

Muy dulce me seria, pues con ella
mis males abràn fin. Mas mi ventura
no quiere que tan presto pueda vella.

Mas antes, por dañarme mas, procura
questè siempre mirando con querella
de amor, fortuna, avsencia, desventura.

LVII

Abrà quien compre vn don de vn escudero?
que le vende de muy necesitado;
vn sayo de tercio muy gasatado,
que fue del Rey Herodes, el primero.

f. 129 r.

Abrà quien quiera vna fe de cauallero
de vn confesso pobre, desdichado?
vn prebilejio muy yluminado,
que dio Numa Pompeyo a su baruero?

Por el don dan tres blancas solamente,
y por estar gastado de los codos
el sayo no ay nadie que le asiente.

A fe de caualleros tienen todos;
al preuilegio dicen que no ay gente
que no tenga su parte de los godos.

LVIII

Como el que escucha el son de la cadena
que tiene del amigo el pie ceñido,
y aquella dulce voz, quen el oydo
apenas toca y en el alma suena,

f. 129 v.

la vuestra escucho, que la gloria enfrena
del vien que tengo; y a dolor mouido,
los eslaunos oygo, y el sonido
conbierte mi placer en vuestra pena.

Mirad, Briseno, si sera ynportante
 la viuia sangre queste pecho tiene,
 si mi humilde valor no es de proueço;
 que harà por vos oficio de diamante,
 labrando en ese yerro que os detiene;
 porques de fuego, si es de cera el pecho.

LIX¹

Liñan, el pecho noble solo estima f. 130 r.
 vienes quel alma tiene por nobleça;
 que, como vos decis, torpe rriqueza
 estè muy lexos de comprar su estima.

A qual cobrar de ynjenio desanima
 segura, onesta y liberal proueça?
 ni qual por ver pintada la corteça
 quiere que otro señor su cuello oprima?

No ha menester fortuna el virtuoso;
 la virtud ni se da ni se rreciue,
 ni en naufragio se pierde ni es ynpropia.

Mal aya quien adula el poderoso,
 avnque fortuna humilde le derribe;
 pues la virtud es premio de si propia.

LX

Señor Lope de Vega, a vos estima f. 130 v
 por tesoro del alma mi nobleça;
 vuestro sauer decir es su rriqueça,
 y en vos contempla su ynmortal estima.

Vn lisongero vil me desanima;
 dejemos el rrigor de mi proueça;
 sèquese el coraçon o la corteça;
 oprímame fortuna o no me oprima.

Yo ser[è] ymitacion de vn virtuosso
 qual vos, de quien la fama da y rreciue
 vna berdad certissima y no ynpropia.

Y si adulare el cielo poderosso,
 los omenajes de mi fe derribe
 con rrisa ajena y con verguença propia.

¹ In *Bib. Aut. Esp. XXXVIII*, p. 376. I have reprinted here to facilitate comparison with Liñán's answer.

LXI

Si de Filis cruel los ojos miro, f. 131 r.
como quien mira al sol la vista pierdo;
pienso ques sueño que de mi vien rrecuerdo,
donde en amarga soledad suspiro.

Fuerçame amor, si ve que me rretiro;
y si dèl fio, adonde voy me acuerdo;
juzgo por loco el pensamiento cuerdo,
y en el altura del subir me admiro.

Huyentandose va la noche larga
que passo en ynfernal desasosiego,
ya que de Venus se mostrò la estrella.

La noche es mi dolor, mi pena amarga;
Filis, la estrella, cuyo ardiente fuego
dexò viua en el alma su estrella.

LXII

Angel almacigado, que al Tudesco f. 131 v.
rrindes tus entresacos y entresecos;
Filis, de necios discrecion con hecos,
espiritu, sin carne, picaresco;

tentacion de bosco a lo brutesco,
araña vil conpuesta denvelecos,
negra con soliman, pantasma en çuecos,
cuerpo pintado al olio, cara al fresco;

troyana Elena, que rreliquias solas
heres de lo que fuiste, no te alteres;
que tu bellaca flor se a descubierto.

Avaja la vandra quenarbolas;
que vn poeta muy tuyo dice que heres
dura en el acto y blanda en el concierto.

LXIII

En el silencio de la noche oscura, f. 132 r.
memorias, què quereys? Boluerme loco?
Diuina ymagen quentre sueños toco,
por que me rrenobays mi desventura?

Memoria dulce, quen el alma dura
de aquella que mi avsencia siente poco,
no me persigas mas! Dèxame vn poco!
Basta que estoy sin ella y sin ventura.

Tiempo, quel vien mudaste en vn momento,
 y en el alma dexaste perdurable
 la memoria del mal tan ynsufrible,
 no te detengas, mas, qual presto viento,
 torna a pasar, y dile a esa mudable
 que mudarme jamas es ynpusible.

LXIV

Tres veces abraçò vuestra figura f. 132 v.
 el deseo del alma, que os adora,
 esta noche, dulcissima señora;
 y tantas rrenobò su desventura.

En subita vission vuestra hermostura
 su ymajen me mostraua; y a la ora
 del sueño rrecordaua, hermosa Flora,
 y hallauame sin vos y sin ventura.

Sin ventura, sin vos, sin cossa cierta
 me hallè tres veces, y tres veces tuue
 vuestro diuino cuerpo entre mis braços.

La gloria viue, mi esperança muerta;
 tres veces y tres veces me mantube
 con banas sombras, con fingidos laços.

LXV

Ningun dolor yguala al acordarse f. 133 r.
 del tiempo venturoso en desventura,
 y el triste que a tenido mas ventura
 con mas justa rraçon puede quejarse.

A, con quanta rraçon puede llamarse
 dichosso el que en desdicha nasce y dura!
 Y como, si en los hombres ay cordura,
 el vien, quando se alcança, a de llorarse!

En este mundo, al fin, no ay firme estado,
 ni ay para que esperar contentamiento;
 porqueste para el otro està guardado.

Y cierto que me viene al pensamiento
 que Dios de tanto vien me a derribado
 porque sea yo ha otros escarmiento.

LXVI

Doña Ana vella, que los rrayos de oro f. 133 v.
quel sol suele postrar a su diana,
de esa diuina fuente soberana
los hurta y goça por mayor tessoro;
vellega celestial, a quien adoro
y a quien diera el troyano la mançana,
pues como a Venus se han rrendido a Ana
Palas y Juno y todo el casto coro;
no merecen goçar ojos humanos
de vn angel vello, que se tiene a mengua;
pero advertid, para quitar enojos,
que quando alceys los ojos soberanos,
no hableys; que si ellos mudos tienen lengua,
la lengua harà el oficio de los ojos.

LXVII

O tu del gran milagro cauallero, f. 134 r.
que de enprestame vistes todo el año,
sin desnudarte jerga, rraja o paño
que no lo traygas puesto vn siglo entero,
por què no dexas ya de chocarrero
el trato vil que te condena a daño,
dexando juntamente el ser picaño,
vanaglorioso, ynfame y palabrero?
Mira questan haciendo ensaladilla
de tus modos de ablar, y no lo entiendes;
rrefrenate algun tanto, triste loco;
que te llega la baua a la rrodilla,
y a todo el mundo con tu prosa ofendes,
tan vana como tu, y tenuta en poco.

LXVIII

Amor mi pecho rrompe, abrasa y yela. f. 134 v.
Ysabel puede hacer mas en mi pecho;
muestra que acude en todo a mi prouecho
Ysabel, quen mi daño se desuela.
A costa desperanças me consuela
Ysael, que me tiene en este pecho;
tiene mi coraçon con yelo hecho
Ysael, quen mis ojos se desyela.

Da muestras y señales de mi gloria
Ysael, ques el dueño de mi pena;
hace mis ansias asperas mortales.

Ysael me promete vna vitoria
de honrra, gloria, trumfos, bienes llena;
Ysael, ques la causa de mis males.

LXIX

Ay dulce sueño y dulce sentimiento, f. 135 v.
que ymagen de la muerte heres llamado,
ymagen de la vida te as tornado!
Mas, ay, que fue solo vn momento!

No pasó tan ligero el pensamiento,
ni el rrayo por las nubes ynflamado,
quanto pasa la gloria que me as dado;
mas no sufre tal gloria mi tormento.

Plega a Dios, dixé entonces con voz fuerte,
que nunca duerma yo, si estoy despierto;
y si este es sueño, que nunca mas despierte.

Y despierte con sueño muy mas cierto,
de suerte que viua con la muerte;
y agora con la vida estoy mas muerto!

LXX

Al dulce pensamiento mio pido f. 136 r.
de todos sus discursos cuenta estrecha,
por aver sido causa a la sospecha
por quien con tal rrigor tratado he sido.

Ninguna culpa hallarle se a podido;
Mas de què su ynocencia me aprouecha?
pues no quedando Fili satisfecha,
el castigado soy, y el ofendido.

Aprueba y crece el daño mi paciencia;
que no puedo quejarme de su furia,
por no culpar ni rresistir su gusto.

Y asi vengo a prouar por espirencia
que no ay dolor que yguale al de vna ynjuria
hecha con nombre de castigo justo.

LXXI

Prouando en el campo su destreça f. 136 v.
 Diana y el Amor y mi Maria,
 flechas tiraron a vn arbol que tenia
 pintado vn coraçon en la corteça.

Alli apostò Diana su belleça,
 y su arco Amor, su liuertad Maria;
 la qual mostrò en tirar mas gallardia,
 mejor tino, denuedo y jentileza.

Y ansi ganò a Diana la hermosura,
 las armas a Cupido, y a quedado
 tan vella y tan cruel desta vitoria,
 que a mis cansados ojos su figura,
 y el arco fiero al coraçon cuytado
 quitò la libertad, la vida y la gloria.

LXXII

Dichosso el que a do el bien rreposa—possa, f. 137 r.
 sin que le ofenda su cuydado—dado
 al niño ciego cuyo alado—lado¹
 encubre el mal² tras cautelosa—losa.

No teme el çerco de la odiossa—diossa
 do està el mejor por desechado—hechado,
 ni de priuados el prestado—estado;
 quiero decir que no le acossa—cossa.

A quien acerme ansi pudiera—diera
 la mitad de mi no viuida—vida,
 sin mas mostrar a mi despecho—pecho.

Quiza en el rrostro que tuuiera—viera
 mi desventura de corrida—yda,
 pasando de vna vez su estrecho—trecho.

LXXIII

Buelue a tu nido que de pajas secas f. 137 v.
 tegiste en los rrenuevos desta haya;
 sean los ayres tu postrera raya,
 pues ya en los ayres contra el alma pecas.

¹ In the ms., *cuyo al lado—lado*.

² In the ms., *encubres el mal*.

Los ciertos fines de mi acuerdo truecas;
a tus contrarios sirues de atalaya;
en peligrosso golfo buscas playa;
celos os harmas sobre cañas güecas.

No cortes las amarras al deseo;
que brama el vendaual y estan las olas,
al parecer, mezcladas con las nubes.

De vario te ymajinas semideo;
tus alas, mis desdichas, cercenolas;
O pensamiento vano, a donde subes?

LXXIV

No tengo culpa yo del mal que muero; f. 138 r.
pasos forçosos son quantos he dado
por sendas en que el menos confiado
se halla mas dichosso aventurero.

Atado al mastil yba el pasajero,
temeroso del canto enhechizado;
mas yo de yncorregible y de arrojado
jamas cuydè del daño venidero.

Mis hados y mis ojos me lleuaron
con el mas dulce cebo que amor tiene
asta el lobrego centro del olvido.

Tras esto, a mi memoria mentregaron;
y por mas acauarme, me entretiene
mirando cuyo soy y cuyo he sido.

LXXV

No heres nieue, que fueras derretida f. 138 v.
ya del furioso fuego que me abrasa;
ni brasa, porque fueras, siendo brasa,
del agua de mis ojos consumida.

Ni dama, avnque por tal heres tenida;
porque biendo el dolor que por mi pasa,
por mas que fueras de sentido escassa,
te tubieran mis ojos persuadida.

Pues no heres piedra; que si piedra fueras,
vastara mi martirio a deshacerte.
Heres vn ynpusible destos hecho:

de brasa, los efectos y las veras;
de dama altiua, la paciencia y suerte;
de piedra el coraçon, de nieue el pecho.

LXXVI

Si por desden de hesa serena frente, f. 139 r.
o por mostrar ayrados vuestros ojos,
o por doblar con quexas mis enojos,
esa mano a mi mal tan diferente;

si por negarme de piedad la fuente,
y arrancar mi viuir tan a manojos;
y por hacer mas biuos los abrojos
que tan agudos mi alma y pecho siente,
pudiera ser en algo rrefrenado
mi deseo, y mi amor ser menos fuerte,
rraçon fuera mostraros desdeñosa.

Mas, señora, del cielo està ordenado
que si por mi dolor asta la muerte,
mi fe contraria a vos, y a mí, dañosa.

LXXVII

Viuos suspiros, yd al pecho frio; f. 139 v.
rromped el yelo que piedad me niega;
y si rruego mortal al cielo llega,
muerte sea fin y pago al dolor mio.

De mis ojos nasce vn profundo rrio
quel abrasado pecho y rrostro rriega.
Ay de quien nasce, si al amor entrega,
como yo, triste, todo su albedrio!

En la frente la muerte traygo escrita.
Contento muero; alegre estare muerto,
pues que lo quiere quien mi vida quita.

O parayso acà en el suelo abierto,
tu crueldad y su gracia ynfinita
hacen mi bien dudoso y mi mal cierto.

LXXVIII

CANCION

Durmiendo vna mañana con contento, f. 141 r.
ajeno de tormento,
dulcemente soñaua
que yo hera mariposa y que bolaua;
y lleno de alegria
sobre sus(*sic*) blancas manos me ponía.

Y tu que me tomauas,
y con el pie diuino me pisauas,
diciendome: "Atreuido ladron, muere!
que ansi deue morir quien bolar quiere."

Y libre me bi luego, socorrido
de amor y enriquecido;
y turbado, los ojos
en los nidos de amor, tus labios rrojos,
posar quise acosada;
y tu, con grauedad alborotada,
mesurada y diuina,
con vn soplo auentarme ya moyna;
en la esfera del fuego bi quemarme,
y en ceniza rresuelto al ayre darme.

Despertando del sueño tan glorioso, f. 141 v.
vi mi goço en el poço;
quisihera por tu mano
el fin tan benturoso y soberano
que, diosa, tu me dauas,
con que terno(*sic*) a los siglos me dejauas;
quen ti el deshacerme
es formarme mejor y enriquecerme,
y denbidia formar a los necios,
si el caso les hiriera en los oydos.

LXXIX

Su gran torre Nembrot hedificaua, f. 141 v.
y hera la confusion y boceria
tal, que lo que el vno al otro demandaua
sin orden y al rrebes lo traya.
Voces Nembrot al pueblo ciego daua;
mas Dios que no le oyese permitia;
y en quanto aquella, o loco mal nacido,
obra durò, jamas fue nunca oydo.

LXXX

CANCION

Si en la disierta avdencia(*sic*) f. 142 r.
temio la vmanidad de Dios la ora
que hera tan ynportante al hombre humano,

no es mucho que yo sienta y tema agora,
 piadosissima Virgen, la sentencia
 quespero, siendo vn pobre y vil gusano.
 Mas quando con tu mano
 espero ver rrompida, o gloria mia,
 la pesada cadena
 que me da tanta pena,
 cobra de nuebo aliento el alma mia;
 y ansi estoy afligido,
 a mi temor y a tu piedad rrendido.

O Virgen, en quien suena
 mas que mi entendimiento decir puede,
 y todo lo que puede Dios eterno,
 pues tu piedad a mi desgracia excede
 y sabes vien la causa de mi pena, f. 142 v.
 sacame, digna Madre, deste ynfierno.
 Y pues del Sempiterno
 heres amada hija y cara esposa,
 pidele a su Grandeza
 que aplaque la fiereça
 del enemigo cuido que me acosa;
 y a puerto de alegria
 saque la contrastada barca mia.

LXXXI

OTABA

Aqui donde me ves tan pobre y rroto f. 142 v.
 he sido en otro tiempo cortesano,
 y en la villa mejor de nuestro soto
 fuy de algun bueno a la derecha mano.
 Mas como sin estrella ni piloto
 se rrije siempre el pensamiento humano,
 y mas la ociosidad en el manceuo,
 fue de mi perdicion Amor el cebo.

LXXXII

CARTA

Yngrata Lisis tanto como hermosa, f. 143 r.
 rreciue aquestos vltimos rringlones
 borrados de la mano temerosa.

Si acaso tenfadaren mis rraçones,
visto que aquesta misma es de mi parte,
justa cossa sera que me perdones.

Porque mi celo solo es avisarte
lo que para tu gusto es prouechosso,
y para que mejor puedas goçarte.

Vien saues, Lisis, como fue forçosso,
contra tu boluntad y a mi disgusto,
rreceuir de tu padre aquese esposso.

Y avnque fuese el matrimonio ynjusto,
al fin es tu esposso y tû su esposa,
ordenacion de Dios, que todo es justo.

Y no abrà en el mundo caso o cossa
que sea bastante a deshacer lo hecho,
si no es de Dois la mano poderosa.

Pues considera agora allà en tu pecho, f. 143 v.
si a de ser forçosso el matrimonio,
lo mas que con tu esposso siempre as hecho;

ques hebidente y claro testimonio
que tratar tu marido como a esclauo,
consejo deue ser de algun demonio.

Avnque ser por mi causa yo lo alauo;
que gran bien me hera estar en tu memoria
si pudiera lleuarse asta el cauo.

Pero pudiera ser que aquesta gloria
viniera a perturbarla tu marido,
ganando en nuestra muerte gran vitoria.

Ques casso aberiguado y muy sauído
que vn bruto animal, si anda celosso,
procura sauer el traydor nido.

Pues quantimàs a vn hombre rreceloso
le dan mil ocasiones de sospecha,
y avmenta la malicia al maliciosso.

Lo que en este caso te aprouecha f. 144 r.
es no mostralle ya capote y ceño,
ni esa diuina cara contrahecha,

sino vn semblante alegre y muy rrisueño.
Dale muestras de vn amor fingido,
dexando ya ese trato çahareño.

Dile que muy de ueras es querido,
en tanto grado quanto antes hera
en tu alma y coraçon aborrecido.

Pídele celos quando vaya fuera,
y dile que ba a uer algunas damas;
que aquesta es la lisonja verdadera.

Y fingiendo que tiernamente le amas,
pregunta si bendrà tarde o temprano;
que te quedas ardiendo en viuas llamas.

El te dira que agora muy hufano,
y seruirá que sepas, para olgarte,
quespacio tendras libre de tu mano.

As menester vsar de astucia y harte, f. 144 v.
y avn rruego a Dios que puedas
de tantas acechanças escaparte.

Y mira quen ninguna cosa excedas
destos precebtos de que aqui te auisso;
pues tan desamparada, triste quedas.

Que pues mi ventura o la tuya quisso
que vinieses a estar en tal estado,
lleuandome mi gloria y parayso,

muy de ueras estoy determinado
de que se quiebre el ylo a nuestra ystoria,
avnque se quiebre por lo mas delgado.

Avnques contradicion y muy notoria
decir quen mi podrá cauer oluido,
porque al fin es tierna la memoria,

abrà conmigo la raçon podido
lo que pudo con el varon troyano
quando desamparò a la triste Dido;

que vn mandamiento de la heterna mano f. 145 r.
le higo que dexase su contento,
entregando su cuerpo al mar ynsano.

Exemplos tienes destos mas de ciento
para te consolar, si me culpares
por hauer hecho este apartamiento.

Y si por esta causa me llamares
falso, traydor, rrebelde y fementido,
y de otras tales cosas me ynputares,

acuerdate que mientras te he querido
no estubo Faeton sujeto a Polo,
como a tu boluntad yo fuy rrendido;

y quen mi seno cupo jamas dolo,
ni cosa que de puro amor no fuese;
quen tanta lealtad yo he sido solo.

Que si en desquento rrecontar quisiese
los males que por tu causa me an venido,
podria, si otra vez los padeciesse.

De mis padres me ves aborrecido f. 145 v.
con justissima causa y por la tuya,
y con todos el credito perdido.

Y rruego a Dios quel cielo me destruya
con rrayo acelerado que me parta,
y todo mal me benga y bien me huya,

hermosa Lisis, si de ti me aparta
mi propia boluntad en cosa alguna,
pues nunca de tu gloria se vio arta;

sino ber que me hauisa la fortuna
por muchas partes, por diuersos modos,
y que mi dicha es poca o ninguna.

Y puede ser que, como dicen todos,
aquestos poluos lleguen algun dia
que se conbiertan en muy grandes lodos.

Adios, pasado tiempo y alegria;
que por no deshacerme tanto en llanto
quiero que dè fin la pluma mia
de celebrar a Lisis en su canto.

LXXXIII

Quien dice que passò el siglo dorado f. 146 r.
muy poco del presente ha conocido;
que si en el otro andubo el dios Cupido
desnudo, agora biste de brocado.

Las alas pluma a pluma se ha pelado,
y el arco en aquel tiempo tan temido
con la banda que ciego le ha traydo,
por mucha plata y oro lo ha trocado.

Galanes, ya no vale biçarria,
ni el ser qual Amadis firme y constante;
ni se alla la ventura de Medoro,
pues Angelica no es quien ser solia;
ni se alcança, si no es como al ttalante(*sic*),
o como a Danoe Jupiter, en oro.

LXXXIV

O triste aue que con triste canto f. 146 v.
 entonas vna endecha funerable,
 si mi estado supiese miserable,
 aplacaria el rrigor tu fiero llanto.

Pues otra de tu nombre puede tanto,
 que al ado rriguroso e ynplacable
 con mi historia triste y lamentable
 tiene suspensa y causa vn nuebo espanto;
 porque si lloras mal de triste avsencia
 o celosso desden, ques lo mas cierto,
 al fin lloras por bibos mal vsado.

Mas yo lloro, que beo en mi presencia
 a la que bibe en mí muerta; que vn muerto
 la mata por que biba mi cuydado.

LXXXV

El tiempo està vengado a costa mia f. 147 r.
 del tiempo, quen el tiempo no he mirado;
 triste de quien bio el tiempo en tal estado,
 que al tiempo en todo tiempo no temia!

Vien me ha pagado el tiempo la porfia
 de hauirme con el tiempo descuydado;
 pues tan sin tiempo el tiempo me a dexado,
 que ya no espero tiempo de alegria.

Pasaron tiempos, oras y momentos
 en que pude del tiempo aprouecharme
 para ebitar con tiempo mis tormentos.

Mas, pues quise en el tiempo confiarme,
 siendo el tiempo de barios mobimientos,
 de mí, que no del tiempo, he de quejarme.

LXXXVI

Sientome arder en vn secreto fuego; f. 147 v.
 quemome en èl y no lo siento apenas;
 tengo en prission el alma y en cadenas;
 el cuerpo triste casi en llanto ciego.

Hacese vn mar de lagrimas que allego;
 ynchan las belas, cimbran las antenas
 vientos de mis suspiros, de quien llenas,
 sin del puerto salir, siempre navego.

Estoy atado y mas que vn gamo corro,
nasce el deseo y luego queda muerto;
boy por los ayres y hallome en la tierra.

Y es que los elementos al socorro,
fuego, vientos y mar y tierra o puerto,
de quien conpuesto estoy, viben en guerra.

LXXXVII

En tiempo de agrauios, f. 148 r.
de que siruen quexas?
Que pues no ay orexas,
para què son labios?

Tan puesta al rrigor,
tan sorda a mi mal,
èl darà señal
de buestro rrigor.
Con tales agrauios
se haumentan mis quexas:
mas no auiendo orejas,
para què son labios?

El mal hurde y trama
quien al bien se esconde;
la que no rresponde
huye del que llama.
De ynjustos agrauios
nacen justas quexas,
y sordas orejas
hacen mudos labios.

En almas llagadas,
Amor, mal conciertas
con ansias abiertas
orejas cerradas.
Por tales agrauios
dense al cielo quexas,
para que dè orejas
y siruan los labios.

Sin tales enojos
no puede hauer mengua;
pues no vastan(*sic*) lengua,
acudan los ojos.

Aleguen de agrauios, f. 148 v.
hauiben las quexas;
y hablanden orejas
quendurecen labios.

LXXXVIII

Baysos, Amores,
de aqueste lugar.
Tristes de mis ojos,
y quando os veran?
Yo me hera niña
de bonico aseo;
puse yo en vos
mi amor primero.
Y agora que os quiero,
quereysme dexar.
Tristes de mis ojos,
y quando os veran?

Avn yo no sauia
de amor ni aficion,
quando cuytada
perdi el coraçon.
Si celos y avsencia
la muerte me dan,
tristes de mis ojos,
y quando os veran?

Ay, mi amor presente,
què sera de vos?
Que con almas dos
moriureys avsente.
Ay, que facilmente
pienso os dexaràn.
Tristes de mis ojos,
y quando os veran?

Dos almas tendreys.
Haced de tal suerte,
si moris avsente, f. 149 r.
lo mio me deys.
En tierra os vereys
que no os olvidaràn.
Tristes de mis ojos,
y quando os veran?

LXXXIX

No mengañareys otra vez,
cerotico de pez.

Cerotico, amor tirano,
engañays tarde o temprano;
amaneceys en la mano,
y anocheceys en los pies,
cerotico de pez.

No querays ser tan señor;
sauèos contentar, Amor.
Vasta lleuaros la flor
y dejarnos con la hez,
cerotico de pez.

El hombre que mas os trate
y mas os sirua y acate,
para en vn rrobado mate,
como juego de ajedrez,
cerotico de pez.

Si pienso que solo os tengo,
y a seruiros voy y vengo,
con el vien que me entretengo
se entretienen otros diez,
cerotico de pez.

Seguiros la vida questa,
mas el galardón que presta
es el que da la ballesta
al trastornar de la nuez,
cerotico de pez.

XC

Trebole oledero, amigo; f. 149 v.
trebole oledero, amor.

Ybase la niña,
al salir del sol,
a coger del trebol
de su lindo amor,
trebol de tres ojas
que apunta la flor,
y la questà en medio,
mayor que las dos.
Trebole, etc.

Estauase vn cardo,
cardo corredor,
cubierto de trebol,
falso, engañador.
Allega la niña;
sus dedos punçò
y sacòle sangre.
Jesus, que dolor!
Trebole, *etc.*

Rasgando su toca,
sus dedos atò,
y al cardo le dixo:
"Maldigate Dios!
Que si yo te viera,
no llegara, no;
porque tus heridas
yncurables son,"
trebole, *etc.*

Què dira mi madre,
que rriñe por dos,
si me ve la sangre
de mi camison?
Cerraràme en cassa.
Para hacer la bos,
hablarè por torno
como en rreligion,
trebole, *etc.*

XCI

Que si verde hera la beruena, f. 150 r.
sealo en hora buena.

Quise tanto vna esperança,
que hasta la beruena amè,
porque hera verde y gustè
del color de confiança;
porque ya que se me alcança
lo ques amorosa pena,
sealo hen ora buena.

Ya ni suspiro ni lloro
de Gila, Menga, el rrigor.

Adore otro su amor,
 que yo libertad adoro.
 Si sus cauellos son oro
 y su color açucena,
 sealo en ora buena.

Biba yo los años mil
 y lo demas baya y venga;
 siquiera Pasquala tenga
 rrostro y manos de marfil;
 siquiera sea vn abril
 Juana, Gila, y Madalena,
 sealo en ora buena.

Es del cielo su hermosura
 y no la puedo alcançar;
 quierome en la tierra andar
 qual toro suelto a su anchura;
 y siquiera sea mas dura
 quel duro marmol Elena,
 sealo en ora buena.

XCII

Yo que no sè nadar, morenica;
 yo que no sè nadar morirè.

Morena, quando mis ojos f. 150 v.
 en los tuyos se miraron,
 desde aquel punto heredaron
 la gloria de sus enojos;
 y si en este mar de antojos
 no me socorre mi fe,
 yo que no sè nadar, morenica,
 yo que no sè nadar morirè.

Va mi bida nauegando
 en lo que llo ro rriendo,
 porque, mis males viuiendo,
 mueran mis ojos llorando.
 Si para salir nadando
 no ay quien la mano me dè,
 yo que no sè nadar, morenica,
 yo que no sè nadar morirè.

De mi tormento y passion,
 como contarè la mengua,

si enclaua el dolor la lengua
y el pesar el coraçon?
Entre tanta confussion,
do el rremedio no se ve,
yo que no sè nadar, morenica,
yo que no sè nadar morirè.

Nacen de tu ceno elado
las fuentes de mis sospechas,
y van corriendo derechas
al golfo de mi cuydado.
En agua el lado abrasado,
cuytado yo què harè?
Yo que no sè nadar, morenica,
yo que no sè nadar morirè.

Cay desde mi deseo,
que fue celos desperanças,
al mar de desconfianças
hecho de aguas del Leteo.
En medio de ellas me veo f. 151 r.
y donde salir no sè.
Yo que no sè nadar, morenica,
yo que no sè nadar morirè.

Del pensamiento cruel
que asi la vida me apoca,
diuiera(*sic*) guardar la boca
y no comeros en èl;
que hecho ladron fiel,
la libertad lentreguè.
Yo que no sè nadar, morenica,
yo que no sè nadar morirè.

XCIII

Desdeñaste a Pedro,
la linda Ysabel;
mas trocòse el tiempo
y lloras por èl.

Quando te miraua,
velle no querias;
por tus demasias
sus quejas miraua.
Su amor te enojaua,

la linda Ysabel;
 mas trocòse el tiempo
 y lloras por èl.

Gastò su esperança
 en tus devaneos;
 diste a sus deseos
 desprecio y mudança.
 Hera tu matança
 su pena cruel,
 mas trocòse el tiempo,
 y lloras por èl.

Ay, qual te aya dado
 esta hedad mudable,
 sin fauor estable, f. 151 v.
 ni mal limitado,
 Pero enamorado,
 tù libre, Ysabel.
 Mas trocòse el tiempo,
 y lloras por èl.

XCIV

GLOSA

Quien tubo en poco el perderme
 no me procure buscar,
 porque yo le harè gustar
 lo que ganaua en tenerme.

Quien tan libre y necio fue,
 que sin rraçon ni rrespeto
 en poco tubo mi fee
 y mi coraçon sujeto,
 en su poder jamas verme
 puede bien seguro estar,
 porque yo le harè gustar
 lo que ganaua en tenerme.

Desconfie que avnque llore
 y dè mil quexas al viento
 en mi coraçon no more
 de su dolor sentimiento;
 porque quien supo el quererme
 tan a las burlas tomar,

sepa de beras gustar
lo que ganaua en tenerme.

Quien tubo tan alta suerte
no mas de para perdella,
llore la perdida della
en la vida y en la muerte;
y no piense de moberme
a compasion su penar,
pues tan mal supo gustar
lo que ganaua en tenerme.

Quien no supo conseruarme
con tan venturoso estado,
no dê muestras de quejarse
de necio y de descuydado;
que a mi no an de conuencerme
lagrimas y suspirar,
sino hacelle gustar
lo que ganaua en tenerme.

No piense que ha de obligarme
su llanto y pena crecida,
que avn no paga con la vida
tan solo el bien de mirarme;
pues si llegò a poseherme
y no me supo estimar,
no es mucho hacelle gustar
lo que ganaua en tenerme.

Mi vengança es su locura,
su mal mi satisfacion,
pues quien perdio la ocassion,
perdio tambien la ventura;
que, avnque fue bentura el berme,
en desdichas a de parar
hasta hacelle gustar
lo que ganaua en tenerme.

Quando con mil tiernas queexas
me descubra sus enojos,
ni abrà para oylle orejas,
ni para miralle ojos.
Bien podra satisfacerme
quien me pretende agrauiar,
sin que guste de gustar
lo que ganaua en tenerme.

XCV

Vendito sea Dios, f. 154 r.
que a llegado el tiempo
que los moços lloran
y rrien los viejos;
 donde las mujeres
dan sanos consejos,
y los mas letrados
dicen que son buenos;
 donde los mas varios,
de portante necios,
el bulgo los tiene
por los mas discretos,
 y los tundidores,
sastres, y lenceros
dicen teologias,
y pedrican ciegos;
 donde vale mas
el puro dinero
que agudas rraçones,
ni buenos yngenios;
 y a trueque de vn rreal
dan dos mil sonetos,
y el que tiene mas,
ese es mas discreto;
 donde la justicia f. 154 v.
se a subido al cielo,
porque pretensiones
destruyen sus fueros;
 y los cirujanos
curan los enfermos,
y de tauardillo
curan los barueros;
 y hablando de rreyes,
en cosa de peso
el medico salta
y dice su quento;
 donde los alcaldes
de qualquieres (*sic*) pueblos
de tigres los tornan
muy mansos corderos;

donde los perlados
buscan lisonjeros,
y la çarauanda
soleniçan viejos;

donde los letrados
hacen herederos,
y el otro hace casas
que lleguen al cielo;

y los mercaderes
son ya caualleros,
y honrrados oficios
conpran los rroperos;

y entre los marqueses
corren los plateros,
y escriuanos mandan
en cosas de seso;

adonde alguaciles
son los confiteros,
el mundo al rrebes
en la hedad de yerros;

donde las casadas
se cubren los pechos,
y biudas descubren
lo blanco y lo negro;

donde las doncellas f. 155 r.
viuen de misterio,
si acaso conseruan
con la hedad el medio;

y avn no es bien nacida,
quando pide luego
copete y soplillo
porque abiue el fuego;

adonde vereys
biejas con mancebos,
y niñas de a trece
enbueitas con biejos;

donde las casadas
rriñen con sus suegros,
y no ay amistad
entre suegro y hierno.

No es mucho, señora,
que torcidos tiempos

truecan mis rraçones,
vuestro entendimiento.

Y si os piden pan,
que me deys consejo;
y si hermosa os digo,
digais: "Majadero!"

Escuchays mi pena,
si mi pena os quento,
y al cauo decis
que si me confieso.

XCVI

Supo el Amor quen la Scitia f. 156 v.
no hauia gente que amase,
porquen la Scitia se mueren
de frios chicos y grandes.

Y pensando que pudiera
abrasar a quien se elase,
sin temor del cierço frio,
allà caminaua en carnes.

Cercando los altos montes f. 157 r.
de la tierra ynabitable,
encontrò haciendo lumbre
vna scitia de buen talle.

Tiròle amorosas flechas,
y como si fuera de ante
el pecho de la serrana,
ninguna pudo pasarle.

A sus pies cayeron todas
como amores que se caen;
en el fuego las hechaua
para mejor calentarse.

Voluiendo a ver quien la ofende,
le dixo: "Niño, què haces?
Por què procuras herirme,
siendo al parecer vn angel?

Bueluete de presto al cielo,
antes que te descalabre
y en las alas y en el cuerpo,
y te mueras sin goçarte."

Corriendo rresponde Amor:
"Como es pusible, saluaje,
que las astas de mis flechas
te calienten sin quemarte?"

Como las puntas agudas,
que a otros hirieron antes,
a tus pies estan caydas
haciendote vasallaje?"

Boluiose con tanta priesa,
que atras se dexaua el ayre,
y murmurando de heladas,
esto lo dixo a su madre:

"Tanto yelo puede aver,
que mi ardor no puede arder.

Vna helada condicion
que mis terneças estraga,
mi fuego en su pecho apaga
sin daño del coraçon.
Y en esta simple nacion
tanto yelo puede aver
que mi hardor no puede harder."

XCVII

Al arma està boceando f. 161 v.
vn bastardo Pensamiento
que mueue guerra a do estuvo
tres años de alojamiento.

Aposentòle el Deseo
no para fin tan sangriento;
que si dèl se rrecelara,
no le entregara su rreyno.

Mas el ynocente ofrece
con sana yntencion el pecho,
y no temerse del falso
a muchos puso en aprieto.

El Deseo està sin fuerças
puesto en el vltimo estrecho;
teme al contrario que saue
de guerra y paz sus secretos,
y que tiene nivelados
de sus muros los cimientos,

y desde el mas alto mira
del Pensamiento el esfuerço.

El viene por capitan,
que al fin es todo primero,
y su alferez, el Desden,
viene en el segundo tercio,
tremolando vna bandera
toda de amarillo y negro,
pintado vn coraçon berde
entre vnas llamas de fuego,
que al mirar le parecia
que le hiuan consumiendo,
y vna letra al rrededor
que dice: "Aqui viuo y muero."

Tras del alferez venia
Poco Valor, el sargento,
con la jineta sin borlas,
y mohoso todo el yerro.

Por caporal, el Temor,
maestre de campo, agüero,
que de quimeras y traças f. 162 r.
es vn famoso ynjeniero.

Con vnas harmas açules
todas llenas de agujeros
parecio despues de vn rrato
por cauo desquadra Celos.

El pagador es Suspiros,
aposentador Tormento,
y por veedor de los gustos
el forçado, Sufrimiento.

Ansi marchando llegaron
a do tenia su asiento
el Deseo, y llama al punto
el capitan a consejo.

Salio dèl que de paz fuesen
a decirle mude yntento
de aconpañar mas al Alma,
ques a quien pretenden ellos.

Y que ay rraçones muy justas
para no darle alimentos
contra quien puede vengarse
tan a su saluo y contento;

y antes que el mensaje fuese,
vieron que por vnos cerros
vna espia daua boces,
haciendo dos mil estremos.

Que de ninguno entendida
fue por el estar tan lexos,
avunque biene mas lijera
que por campo rraso el viento.

Llegò diciendo tenia
el Alma de trecho a trecho
envoscadas que mirasen
como ban a tan gran hecho.

Preguntòle el capitan
como ha nombre, y dixo luego
que se llamaua Sospecha,
y que quanto ha dicho es cierto;

y que tras ella venian,
que diran ques verdadero,
Congoja y Tribulacion f. 162 v.
que todos juntos la vieron.

Pusieron estas rraçones
algo al capitan suspenso,
sin sauer determinarse
en caso de tanto pesso.

Mas rrompiendo ynconbinientes
dixo quel son biolento
se lo que hede(*sic*) acometer,
y que se desheche el miedo;

y que cada vno se ponga
por la horden en su puesto,
para quando èl seña hiciere
que todos muestren ser diestros.

El Deseo, temeroso
por el Alma, llama al Tiempo,
y rruegale que le hayude
en aquel mortal estrecho.

Vino el Tiempo y puso treguas
al Pensamiento, ofreciendo
que desharà sus agrauios,
pues en todo es Rey supremo.

XCVIII

De tus pasiones, Alcino, f. 162 v.
y de tu ynfelice suerte
todo el pueblo se apasiona,
y tus dolencias le duelen.

Estan tan yntroducidas
tus congojas, que las sienten
los menos, porque publican
que dellas se conpadecen.

De la prission de tus años
el mundo berguença tiene,
y el tiempo que se ha ynjuriado
el ques de culpa ynocente.

Seys veces ha dado fruto
la tierra en hermosas mieses
despues que del sol no goças,
y te hecha menos la gente.

Tu desgraciada ventura f. 163 r.
se ha mostrado diligente,
puniendote por contrarios
los que han de fauorecerte.

Si los que juzgan tu causa
son enemigos rrebeldes,
pacencia(*sic*), Alcino, por Dios,
que te ynporta ser paciente.

Que quando vengar no puedas
agrauio tan ynsolente,
el cielo te vengarà,
que guarda justicia y leyes.

Las rrigurosas querellas
y los animos crueles
acriminaron tu causa,
y pagas lo que no deues.

Pero no te dè congoja,
que no son golpes de muerte;
que a pesar de tu contrario
saldras hufano y alegre.

Y avnquel tiempo mas florido
de tu jubentud presente
has gastado en ynfortunios,
hedad es que goçar puedes.

Bien as purgado tus culpas,
si culpas algunas tienes,
olbidado en las tinieblas
que luz esperan boluerse.

Ya dicen por cosa cierta
que tus trabajos fenecen,
y quen libertad sigura
trumfaràs destos desdenes.

No te congojes ni aflixas;
alegrate, si pudieres;
que no es dolor de sentir,
si la salud tras èl viene.

Pero no me marauillo
que lo sientas qual lo sientes,
que ha sido mucho el agrauio,
y la culpa poca y leue.

Consuelate con que todos f. 163 v.
tienen lastima de berte,
los que sin pasion te miran
juzgando bien diferente.

Y quando ayas padecido,
no heres solo el que padeces;
que a otros de menores hierros,
mayores penas les crecen.

Esto Menalia decia
por consolar, si pudiese,
al apasionado Alcino,
lastimandose de verle.

XCIX

En esta carcel tenebrosa f. 163 v.
y mazmorra de cautiuos,
este oscuro calauoço,
este cantado edificio,

esta fabricada jaula,
este estraño labirintio,
esta morada de faunas,
dioses de luz enemigos;

este temerario ynfierno,
este chaos, aqueste abismo,
este es agora mi cielo,
mi gloria y mi parayso,

alibio de mis cuydados,
y de mis penas alibio.
Estas tiznadas paredes,
aquestos postes postiços,
muy mejores me parecen
que piramides de Hegoito.
Estos humildes tejados,
que de viejos hacen bicio,
mas balen que chapiteles,
mas dorados y mas rricos;
exceden a los palacios
de Alexandro y de Dario,
y a la maquina soberuia
del famoso rrey Phelipo,
honor y blason d'España, f. 164 r.
honrra de muertos y viuos,
conserbados desperanças,
y de celos combatidos.

Pero de que sirue
hablar tan de beras,
y en tanto juycio
como si me oyeran?

Pues estoy a solas,
quiero soltar rrienda
a mi livertad
que a estado sujeta.

Afuera, enbelecos!
Afuera, quimeras!
Afuera, patrañas!
Mentiras, afuera!

Viuan desengaños
y lisonjas mueran;
publiquen verdades
mi pluma y mi lengua.

Damas de San Juan,
hermosas y vellas, f. 164 v.
briosas, galanas,
entremos en quenta.

Tenganla conmigo
y escuchen atentas
verdades de Alcino,
y de Alcino quejas.

Y pues las mas soys
sauias y discretas,
niguna se quexe
destas chançonetas.

Dicenme que soys
bidrio de Venecia,
de agradable bista
y poca firmeza;
y ques vuestra fe
facil como niebla,
quel rrayo del sol
la esparce y avmenta.

Son rrubies falsos f. 164 v.
las falsas promesas,
medallas de alquimia
con oro cubiertas.

Vuestro dulce hablar
es de Filomena,
vuestras esperanças
son qual primauera,
a quien el berano
presto abrasa y quema;
vuestros pensamientos,
altos qual veleta,
suxetos al ayre
como ella sujeta.

Vuestro amor de niños
es como agua en cesta.

Olbidays despacio
a quien ama apriesa,
murmurays de todos
los que a vuestra yglesia
ofrecen sus bultos
qual bultos de cera;
fisgays de sus caras,
maldecis sus piernas.

Guarde Dios las mias,
pues andan cubiertas.
Y el que al cielo mira,
buscando su estrella,
decis vna a vna:
“El necio, en què piensa?”

Y el que mas conpuesto
y sosegado entra,
 rreçando y haciendo
cruces como vieja,
tambien le llamays
tonto dentro y fuera,
 porque tan despacio
se persina y rreça.
Y el otro cuytado
quen sus males piensa
 y està pensatiuo, f. 165 r.
decis ques tristeça.
No falta quien dice:
"Fulano es poeta."
 Salta y dice alguna:
"Quemado le vea,
que por causa suya
hubo vna rrebuelta
 en aquesta cassa
por tiempo de feria.
A fulana hace
rromances y letras;
 loala de hermosa,
èl llora sus quexas;
mas ha de ocho meses
que no ay dia de fiesta,
 que no nos enfada
con su manto y veca.
Riñele la madre,
gruñe la tornera,
 porque a haquesta casa
no asome ni venga.
Y èl, como atreuido,
al trançado lo hecha,
 por dar a entender
su mucha firmeza";
que en ynbierno noches,
y en berano siestas,
 parlando pasays
destas y de aquellas.
Finalmente todas

teneys malas bueltas,
condiciones malas
y caras muy buenas.

C

Estaua Filis vn dia f. 167 r.
con otras pastoras vellas
en vn pradillo quesmalta
de flores mil diferencias,
todo en torno rrodeado
de laureles, do se enrredan
mil uides, cuyos rracimos
avn a madurar enpieçan;
el suelo lleno de flores,
que la fertil primavera
hace a las yeruas que brote
jazmines, rrosas, bioletas.

Sentadas sobre la grama,
estauan con vnas piedras
jugando y hechando suertes,
qual fuese mas vella entrellas.

Mas al fin le cayo a Filis
la suerte de la belleça,
la qual todas rreconocen,
y ser mucha mas confiesan.

Mas bueltas a probar luego
con piedras blancas y negras
qual tenga en amor mas dicha,
o qual mas della carezca;

y al cauo de mucho rrato
a Filis que mas suspensa
està la suerte aguardando
le cayo vna piedra negra,
de donde entendio la ninfa
que ventura se la niega,
ya que no se mostrò escasa
con ella naturaleça.

Ya combatida se halla
de amor, temor y sospecha;
que los mas falsos amigos
le son a vn amante veras;

y con disimulo graue
 pide a las demas licencia,
 y da la buelta a su choça,
 y al cielo dos mil querellas.

CI

Aquel pastor de Lisarda, f. 167 v.
 aquel verdadero amante,
 que sentado estaua a quantas
 con sus bienes y sus males,
 ansi dice a su çurron,
 quitando vn laço destambre:
 "Abrios, escritorio mio,
 pues no ay otra mejor llaue.

Verè en las obligaciones
 que de mi pastora hablen,
 para poderlas cumplir,
 el rrecibo y el alcance.

Y pues fuistes tan dichosso
 quen vuestras entrañas cauen
 las fianças quen las mias,
 bien es quen el alma os guarde."

Sacò y enpeçò a leer
 de vn billete ansi en el margen:
 "Para Vireno en Jarama, f. 168 r.
 donde su ganado pace."

Abriole el triste temblando,
 y dèl leyendo vna parte
 allòla ansi en su fauor,
 que pocas veces son tales.

"En el mar de mi esperança
 nauegan veloces naues,
 que lleban tras si mi vida
 asta que la tuya hallen.

Biue, Vireno, siguro
 quen mi alma te criaste,
 y asta que falte de mi,
 no temas que de mi faltes.

No quiero decirte mas,
 que palabras de amor harden;
 quìça encenderà el papel
 de mis suspiros el ayre.

Ni te pido dèl rrespuesta,
por si en ceniças llegare.
Fecha, para te servir,
del cortijo de mi padre."

"Esta, dice, es escritura,
el pastor, que, avnque la rrasgue,
biue siempre contra mi,
pues no ay paga que la pague.

Ay, Amor, dice, si fueses
tan cierto como mudable!
Mas burlaste con pastores;
si prometes, cumples tarde.

Pero si yo te cojiese
donde no nos viese nadie,
yo te haria que me dieses
mas de quatro libertades.

Quen algunas ocasiones
te veo, rrapaz, cobarde,
pues huyes al coraçon,
si es cierto que amor es sangre;

que si a mi pastora veo,
o su nombre en algun sauce,
pierdo el color de temor, f. 168 v.
huyes de ti como ynfame.

En secreto, a lo escondido,
matas, porque no te mate.
A fe que heres traydorcillo;
muere, amor, a las que saues."

De presto coje el papel,
que de vn lobo oyo quejarse
vna obeja, y tras èl va
corriendo por alcançalle.

CII

Querellòse ante el alcalde f. 168 v.
del lugar de Ciempocuelos
el espigado Velonio,
moço de buen talle y grueso,
de vn ministro de justicia
que a Fauia daua en la(sic) hueco,
vna moça que fue suya,
mas de quatro o cinco abientos.

Y visto por el alcalde
de la querella el proceso,
la destierra del lugar
por vn espacio de tiempo,
con condicion que Velonio,
si lo quentra de viento,
y dandole se castigue
con rrigor su atrebimiento.

Y como el triste pastor
està de su amor tam preso,
por pagarla el que le tubo,
disimula el graue exceso;

y porque conozcan todos
su amoroso pensamiento,
con el curron trae de Fauia
en cifra su nombre puesto.

Y ansi encontrandola vn dia
en vn lugar bien secreto,
la rrogò que pues le hauia,
y èl lo hera en tanto extremo,
rremedie tanta pasion f. 169 r.
como le be padeciendo,
con protesto que si apaga
del alma el ardiente fuego,

la ofrecera sacrificios
en el templo de su pecho,
y rreynarà en su memoria
con dulce gloria y sosiego

todo el tiempo que sin guerra
conseruare en paz su rreyno.
Mas como al fin es muger
y de bario pensamiento,

dejò a su antiguo Velonio
con solamente el deseo,
y a punto de ejecutar
del alcalde el mandamiento.

Mas al fin, como es amante
y sufre de amor el peso,
quiere, dejando a la yngrata,
tomar otro nuevo dueño.

Y tomando vn sacabuche
que le heredò de su agüelo,
entonò esta endecha triste
que deprendio de Bireno.

Pues dejás, yngrata,
quien supo quererte,
quien otro te trata
venga a aborrecerte.

Quien es tan libiana,
que por bano antojo
deja vn alma sana
enferma de enojo,
no piense ofrecer
disculpa de pecado,
que vn pecho agrabiado
vendrá aborrecer.

CIII

LA UIDA DEL PICARO¹

Como diestro cosmografo que rraya f. 170 r.
los estados, destançias y las millas
que ay desde Jetulia asta Pancaya:

la destreça que tiene en rreduçillas
por segura notiçia, procurando
guardar sus quadraturas con medillas,
asi de oydas yo picariçando,
asidas anbas manos a las clines,
hire por su bereda tropeçando.

Apeaos, si mandays, de los chapines,
conpuesta y mesurada musa mia,
siguiendo en bajo estilo vajos fines,

No es mucho quen vn mes andeys vn dia,
olvidada de çesares y Marcos,
metida en la olgaçana picardia.

Alçad las faldas y atracad los charcos,
porque no salpiqueys en el camino
de los que cantan las del Conde Alarcos.

No soys tan graue vos como Aretino, f. 170 v.
ni como aquel que del mosquito o pulga
cantò, tras las rrefiegas de latino.

¹ The manuscript readings are reproduced here with no emendations whatever.

El Don entre sus marmoles dibulga
vrbanos quentos, en la Luçia pinta
vn neçio quentre sabios se rrepulga.

No gastò mal su tiempo, pluma y tinta
el donoso Marçial, quando moteja
de Alçina rretrayda allà en su quinta;
y tambien desde fuera aquella vieja
contrahage la lengua y las arrugas,
rretrato de vna jimia o comadreja.

Siruanme de serena dos tortugas,
y, en lugar del de Apolo honrroso rramo,
laureenme con ojas de lechugas.

Acudan mas cobitas al rreclamo
de aquellos que a la jauega se aplican
cantando de la yça y del harnamo;

y aquellos que sin pluma multiplican, f. 171 r.
calando entre los nobles larga çerra,
y a quarenta mentises no rreplan;

y aquellos quen las mesas de la tierra
arriscan su pobreça al treynta y vno,
ganando con la hacha o con la sierra;

y entre estos, blasfemando de Netuno
y el otro que fue buelo de galera
porque ymitaua a Caco en el mes de junio.

O tu, questàs atento desde afuera,
ajenos pensamientos penetrando,
que quiso alli deçir, o que dixera!

escucha, que de paso voy entrando
en lo que prometi, pues ya del otro,
—arenga ynutil—estara mofando.

Ninfas d'Esgueba y del famoso potro
de Cordoua la llana, que gradua
con borla picaril, y no con otro,

tratemos del escoplo y la ganzua, f. 171 v.
del trato doble y de la vida larga,
que suele dar mas bueltas que vna grua.

Heranse quatro hermanos de la carga,
los dos baruados y los dos lampiños,
criados entre juncia y entre sarga.

Vivian de banastas y descliños,
digo de porteaños hechos terçios,
a frutereros, baratos y rratiños.

Poco espigados, muy fornidos terçios,
rrechos, espaldudos, y trasclados
conforme el mereçer de sus comerçios.

De picaños del gusto festejados
en terneças comunes, subalternas,
y alternos en amar y ser amados.

Los primeros que vsaron hir en piernas
y cueras de faldones como sayos,
o como puros cueros de tauernas,

No deçendian de rromanos Cayos, f. 172 r.
mas de madres gallegas y olgaçanas,
y de padres traydores, avnque payos.

Biuián en rremotas barbacanas,
adonde nunca avita bara enyesta,
llamadas en jaquino trasmontanas.

Todo su mueble cupo en vna çesta,
por no tener ogar o chimenea,
y ser de los que van a mesa puesta.

No sauen lo ques satiro ni dea;
pareçeles a ellos que hera jimia
la ninfa que por çelos fue Napea.

La alquimia les es oro, el oro alquimia;
solo conoçen el color distinto
que les ofreçe Vaco en su bendimia.

Ocaña, Samartin, Yepes y Pinto,
castrenses suyos son, como peculio,
calabriada a beçes blanco y tinto.

Tan buenas taças, como pluma Tulio; f. 172 v.
enemigos del agua y del aloja,
tanto en el mes de Henero como en Julio.

El mas pintado y graue no se afloja
menos quen las cantinas del bodego
que a tiro de arcabuz mas humo arroja.

Por cuya boca o bocas lançan fuego,
entran de paz para salir de guerra,
açiendo el juego maña, o maña el juego.

Patria comun en solitaria tierra,
adonde, quien de mano hiçiere vaça,
confuso y deslumbrado el paso hierra.

Aqui viue el pimiento y la mostaça,
colerica muger, que no se aplaca
sin muchos tumbos de limeta o taça.

Aqui se logra la cansada vaca;
aqui festeja el cardo la pimienta,
y el pulpo el labrador al campo saca.

Aqui con la sardina se contenta f. 173 r.
el binagre o breton, ay vna gente,
y el curadillo por salmon se quenta.

Aqui, avnquel bofe se heche, no se siente,
y el ygado los sauados se guelga
con el pelado callo su pariente.

Aqui, en faltando estafa, el dueño cuelga
testuços, pies, solomos y toçino,
y estera el suelo con la seca mielga.

Aqui bierte su sangre el palomino;
aqui se laba la lechosa hubre;
aqui muere sin culpa el ansarino.

Aqui se llama Março el mes de Otubre;
aqui se desentrañan los consejos
y la jornada oculta se descubre.

Aqui se pintan monas sin bosquejos,
aqui se rrega siempre vna plegaria
por la salud de Coca y Alarejos.

Aqui el farnaco de neçesaria f. 173 v.
rrefaçiona l(*sic*) que biene por las quinge,
a jente de las diez, mas ordinaria.

Aqui, el que poco a visto, bee qual linçe;
çien belas se le haçen vna bela,
y al gato, en vez de miz, le llaman: "minçe."

Aqui se estima el caldo y la caçuela
en mas quel francolin y quel almibar;
aqui rreman sin agua a rremo y bela.

Aqui naçe mas oro que no en Tibar;
aqui no se desprecian los ochauos;
aqui es la dulce miel amargo açivar.

Aqui el rrepollo, berenjena y nabos,
el cordillo, lechuga y la cebolla,
aplaçen a los ya sin dientes Dabos.

Aqui es donde jamas se quita olla,
de gran matalotaje tarragada,
y a beçes, para el guesped, pollo o polla.

Aqui està la Zamora vien çercada f. 174 r.
de Duero, conbertida el agua en mosto,
y la peña no peña, avnque tajada.

Quien fuera en este trance vn Ariosto!
Quien heredara el proçeder de Obidio,
ancho en deçir, y en maldeçir angosto!

Quien pudiera alargarse sin fastidio
dos horas a contar vidas ajenas
de propios bagabundos en presidio!

Pero, pues no es pusible, a malas penas
dire lo que me falta en breue espacio,
pues dixe sus comidas y sus çenas.

Acuerdome de vn tiempo quen palacio
pintè la rreal viuienda y poleçia,
sin adular Miçenas como Oraqio.

A muchos dio mi verso alfereqia,
si es que la puede auer en duros años,
allando en mis terçetos profecia.

Agora de los quatro, que picaños f. 174 v.
viuieron en la corte a sus anchuras
goçosos dias de apaçibles años,

dire, no con enigmas tan oscuras,
el ofiçio que aprenden con maestro,
y el preçio que mereçen sus hechuras.

Estos, con vn cordel como cabestro,
mantienen sus estomagos glotones,
eçeto el quen gançua sale diestro.

Ofiçiales que llaman madrugones,
y amigos de belar qual la leçuça,
por desmentir motriles y soplones.

El menos diestro dellos, si capuza
el dos bastos, que llaman a su saluo,
sacaran tres pelotas de vna alçuça.

El primero le llaman Mar en caluo,
y el otro Niculas, sin sobrenombre;
y el terçero Mochales el quatraluo.

El quarto, quen hedad hera mas hombre f. 175 r.
y amigo de dormir la noche y dia,
le llamauan Tinacro, por mal nombre.

Estableçieron vna cofradia
esenta y aragana para todos,
segun su calidad lo rrequeria.

Aqui pueden entrar rrotos los codos
y la camisa al pareçer de cuero,
la jente amançillada con apodos.

No admiten herreruero ni sombrero,
jubon destopa, borçeguios o ligas,
ni moço que no sepa ser quatrero.

Desde el punto que brotan las espigas,
es rregla que no duerman en poblado
hasta açer su agosto como ormigas.

Aqui el cofrade vayla sin cuydado;
aqui duerme el amor como mereçe,
debajo de vna mesa o de vn tablado.

Es rregla que al momento que amanece f. 175 v.
y dexa a su Titon la rrubia Aurora,
procuran adquirir lo que se ofreçe.

Entonces el ques cayro se mejora
sacudiendo las motas del vestido,
que pican como peçes a desora.

Recorren las canales al dormido
que sin rrecato descuydado sornan,
del amo, por la sisa, despedido.

El chuço, sin tocallo, le trastorna,
y el otro compañero que despierta,
con parte de la parte le soborna.

Y si acasso la presa no se haçierta
para los plaços de la oscura sombra,
y el arrugar la capa se concierta.

O tu, que pisas la morisca alombra,
y no puedes dormir en blando lecho
si el paje los mosquitos no te asombra!

Si quieres de tu sueño hauer prouecho, f. 176 r.
procura haçer del picaro, que, al punto,
dormiras sosegado y satisfecho.

Que ynportan los blasones de Sagunto,
si obligan a que viua con rrecato
el que de grauedad maldiçe el punto?

No ay picaro que husurpe ajeno trato;
no sauen lo ques peyne ni escobilla,
garçotas, martinetes, ni rretrato.

Si le alauan el año de Seuilla,
en veynte dias a Seuilla se marcha,
y en la mitad deprende la cartilla.

Si el de Valladolid, de allà desmarcha,
trocando el temple sano y abrigado
por nieblas mas eladas que la escarcha.

Que gusto ay como andar desabrochado,
con anchos y pardillos çaraguelles,
y no con veynte çintas atacado?

Que ynportan vnas calças como fuelles
si quando se arrodilla el que las lleua,
pareçe que le aprietan anbos muelles?

Que ynporta la ynbinçion gallarda y nueba,
el cuello a lo godeño hecho garuo,
si ba como entre lanças quien le lleba?

Cien beçes me santiguo y mil me adarbo
viendo en naturaleça marauillas,
la libertad del corço, gamo, o barbo.

Tu, picaro, de gradas açes sillas,
y, sin rrespeto de la justa media,
a tu plaçer te sientas y arrodillas.

No aguardas que el rrelox te de la media,
para dar memorial en el negoçio
que de mal entendido fue tragedia.

No saue ques jaraue ni socroçio,
porque la enfermedad su cuerpo huye
del cuerpo que procura rrisa y oçio.

Ninguno en los teatros te concluye; f. 177 r.
ninguno a que le peches te compele;
ningun pedrisco tu heredad destruye.

Ninguno en tus açeñas trigo muele;
ningun ambriento tu pobreza estafa,
ni te llega a deçir: "Donde te duele?"

Ninguno gasta al año en tu garrafa
açumbre de mejor olor y pega;
dejemos el ambrosio y aganafa.

Ningun yndiano engañador sosiega,
entre pesos de plata y pesos de oro,
quando a su tierra perulero llega,

como tu siegas con el diez de Toro,
ocho de magro y dos para naranja,
cosa que por arrope trueca el moro;
echando a la mañana aquesta franja,
quando el cuerpo de ayuno se desyla,
del paramo desierto haçe granja.

Muera por casos de honrra el fuerte Atila;
por onrra ha de morir, avnque le pese,
el que a lo picaril no se aniquila.

O picaros cofrades! quien pudiese
sentarse con bosotros en la calle,
sin que a menos balor se le tubiese!

Quien pudiese vestirse a vuestro talle,
desabrochado el cuello y sin pretina,
y el corto tiempo a mi sabor goçalle!

sin aguardar la prouission çetrina
de madre que me quenta los bocados,
no por neçessidad, mas por mezquina.

O picaros, amigos deshonnrrados,
cofrades del plaçer y del hanchura
que libertad llamauan los pasados!

Duren las zapalandas y medidas,
que todo vale poco, pues nos priua
de lo que engorda, aplaçe y asegura.

Hechados boca abajo, boca arriba, f. 178 r.
picaros de mi alma, estays goçando,
sin monjas que melindres os escriban.

Vosotros os sentays do estan baylando,
y, a trueque de sufrir dos pescoçones,
goçays lo quel amante està goçando.

Dormis siguramente por rrincones,
vestiendoot de vna bez por todo el año,
ajenos de sufrir amos mandones.

O bida picaril, trato picaño!
confieso mi pecado: daria vn dedo
por ser de los sentados en tu escaño.

Muy largo he proçedido y corto quedo
en alauar la vida que cobdiçio,
rremoto de melindres y denuedo.

Que me ynportaua a mi salir de quiçio,
y a ti que te ynportaua, avnque rrepitas
para rromano consul v patricio?

Que te ynporta que ymites como ymitas f. 178 v.
al sauio catredal jurespatricio,
pues al pauon, qual grajo, plumas quitas?

El gran monarca Vespasiano y Tiçio,
avnque al mundo tubieron sosegado,
murieron sin valelles el ofiçio.

Solo el picaro muere vien logrado,
que, desde que nacio, nada desea,
y ansi lo tiene todo acaudalado.

Y avnque lo mire mas astrajarea,
no admiten quejas ni publican celos;
y asi, qual es Jason, asi Medea.

Sus alcaçares altos son los suelos
y establos quando el mundo mundo fuere,
y tesoreros rricos de los çielos.

Forçosso mes callar. Mi Musa quiere
ponerse en sus chapines de rrespeto,
y engalanarse mas, si mas pudiere.

Academicos mios, que al discreto f. 179 r.
discretamente acarigiays en todo,
no deys a mi rrudeça nuebo rreto.

Del codo hablara quien es del codo;
ninguno puede dar lo que no tiene;
vmilde es el sujeto, humilde es todo;
disculpa que a mis bersos justo viene.

CIV

GLOSA

Morenica, tente a las clines; f. 180 r.
que ay falta de buenos y sobra de rruynes.

Morenica trigueña, bobilla de cara,
los ojos trauiessos, alegres y vellos,
tenlos queditos; no hables con ellos
al bueno o al malo que a berte se para.
Y si en los tuyos te dice y declara
que heres su alma, que viua o muera,
miralo bien de dentro y de fuera,
quando su gusto hacer determines.

Morenica, tente a las clines;
que ay falta de buenos y sobra de rruynes.

Al que te alaba de noble y piadosa,
que no heres como otras que viuen de dame,
ni tienes hacienda que tuya se llame,
por ser liueral y extremo de hermosa,
hechale calça, morena graciosa, f. 180 v.
que quiere cojerte por boua entonada;

y entonces te quiere dar bofetada
quando te yguala con mil serafines.
Morenica, tente a las clines;
que ay falta de buenos y sobra de rruynes.

En biendo el billete de prosa estudiada
o las coplillas del otro poeta,
deban tu ylo, morena discreta,
en ellos y en èl, ques todo nonada.
Tendas tù la boca mas colorada,
los ojos mas vellos, porque los ygual
que a viuas centellas o al sol quando sale
no heres tan necia que no lo adiuines.
Morenica, tente a las clines;
que ay falta de buenos y sobra de rruynes.

Ay vnos necios sobredorados f. 181 r.
que antes que bean ni sepan tu talle,
han hecho rrica toda tu calle,
en tus becinas bertiendo ducados.
Estos es vien que traygas penados,
y pobres discretos de ti los apartes;
que por coraçon de mil Durandartes
no dan en la tienda vn par de chapines.
Morenica, tente a las clines,
que ay falta de buenos y sobra de rruynes.

Almagra al mancebo que duerme de noche,
destremo de justas calçadas las botas,
y si en ynbierno llobizna dos gotas
es menester traerle en coche.
Al mas bachiller que rronde y trasnoche,
no le consientas habar(sic) tus vecinas;
huye valientes que ronpen esquinas
y biuen de fieros y despadachines,
morenica, y tente a las clines,
que ay falta de buenos y sobra de rruynes.

Nadie te lleue ynocente a su cassa;
saue primero por que te condena;
asuelue tus yerros a culpa y a pena
primero que metas la mano en la masa.
Amor es fiublado que presto se pasa
y solo se estima la prenda que questa,
y buena palabra ni compra ni presta;

que donde la trueques, por Dios que amoynes,
morenica, y tente a las clines;
que ay falta de buenos y sobra de rruynes.

CV

Tiempo turbado y perdido, f. 184 r.
sin saçon para quexarme,
quien sigura mi partido,
si antes que ayan oydo
se enclinan a condenarme?

O padre del desengaño,
para mí oscuro y estraño,
por què no alumbras a quien
jamas supo hazer bien
sino a quien me haze daño?

Filis, con quien te aconsejas,
que ansi acortaste mis dias?
Es vengança o son porfias
el atapar tus orejas
a mis quexas, por ser mias?

Di, por què miras mis males
con ojos tan desiguales,
y mis penas como culpas
que me hazes dar disculpas
de seruicios tan leales?

Algun aliuió tuuiera
siendo oydo y condenado;
mas quiere mi triste ado
que a manos del tiempo muera,
ques cuchillo mas pesado.

Muera ya en esta contienda,
sin que mi rraçon se entienda.
A quien contarè mis quexas?
Que pues tù, Filis, me dexas,
quien abrà que me defienda?

Caygame de la mano la pluma
y falte el sugeto;
salga mi voz sin efeto;
vayan mis quexas en vano;
pierda su ley el secreto;

Fatigueme el pensamiento;
dème congoxa y tormento
lo que a todos aprouecha;
viua sieruo de sospechas,
falto de conocimiento.

Tal me veo en tal fatiga,
sin reparo que me guarde.
Desanparado, cobarde,
no ay mal que no me persiga,
ni bien que no venga tarde.

Index

The following is a complete index of the first lines of all compositions in the manuscript. Those printed in small capitals are included in the present edition. Roman numerals indicate the order in which they appear.

ROMANCES Y LETRAS

Abisaron a los Reyes.....	f. 7
A BUSCAR SALE OTRO MUNDO. I.....	h. prl. 3
Açarque biue en Ocaña.....	f. 22
Açarque yndignado y fiero.....	f. 20
ADMIROME TANTO EN VERTE. XXXI.....	f. 89
Afuera, afuera, afuera.....	f. 94
Agora questoy despacio.....	f. 23
AGORA, TIRSI, QUEL TIEMPO. VII.....	f. 27
A la gineta y bestido.....	f. 2
AL ARMA ESTÁ BOCEANDO. XCVII.....	f. 161
Alcayde moro Aliatar.....	f. 110
Alegre porque moria.....	f. 40
Alojò su compañía.....	f. 8
A los boquirrubios.....	f. 93
Al pie de vn alamo seco.....	f. 63
Al tiempo quel alua vella.....	f. 50
Al valiente moro Açarque.....	f. 111
Amada pastora mia.....	f. 17
Amarrado a vn duro vanco.....	f. 75
Aquel moro enamorado.....	f. 95
AQUEL PASTOR DE LISARDA. CI.....	f. 167
Aquel rrayo de guerra.....	f. 60
Aqui entre la verde juncia.....	f. 166
A rreñir salen furiosos.....	f. 32
Asi Riselo cantaua.....	f. 28
A sombras de vn acebuche.....	f. 38
AUSENTE, OLBIDADO Y SOLO. XLVII.....	f. 123
Avindarraez y Muça.....	f. 67
Ay, amor, amor.....	f. 99
BAYSOS, AMORES. LXXXVIII.....	f. 148
BELARDO, AQUEL QUE OTRO TIEMPO. X.....	f. 44

Bien haya la paz.....	f. 107
Brauonel de Çaragoza.....	f. 6
Cansado estaua Tisandro.....	f. 16
Cansado y prolijo dia.....	f. 52
CANTAUa MUY TRISTE. XLV.....	f. 122
CARCEL HERES TU. XXXIX.....	f. 115
CASOSE EN BILLABARUA. XLI.....	f. 118
Cauizbajo y pensatiuo.....	f. 114
CON CAUELLO Y BARUA CRESPA. XVIII.....	f. 59
Con dos mil jinetes moros.....	f. 48
CONFUSSO Y FALTO DE GLORIA. XLIV.....	f. 121
CON LA MANO EN LA MEJILLA. XXVI.....	f. 77
CON LUZ BLANCA Y RROSTRO CLARO. XXIII.....	f. 77
Contemplando estaua Filis.....	f. 78
Corona el tiempo de flores.....	f. 101
Çaua sal Riselo vn dia.....	f. 157
DE BLANCO Y MENUDO ALJOFAR. XXXV.....	f. 100
De la harmada de su Rey.....	f. 10
DELANTE DE ALVOACEN. XXXVI.....	f. 102
DEL QUE CON ARMADO PECHO. IV.....	h. prl. 10
De pechos sobre vna torre.....	f. 156
DESDEÑASTE A PEDRO. XCIII.....	f. 151
Desterraua al moro Muça.....	f. 68
DE TUS PASIONES, ALCINO. XCVIII.....	f. 162
De vna guija en otra guija.....	f. 45
De vna rrecia calentura.....	f. 18
DEVAJO DE VNA VERDE YGUERA. XXIV.....	f. 73
De yeruas los altos montes.....	f. 74
Digasme tu, la serrana.....	f. 51
Discurriendo en la batalla.....	f. 70
Donde estàs, señora mia.....	f. 19
Donde se acaua la tierra.....	f. 13
Don Rodrigo de Viuar.....	f. 53
Doña Blanca està en Sidonia.....	f. 14
El cuerpo presso en Sansueña.....	f. 75
El disanto fue Velilla.....	f. 61
El escudo en quien fortuna.....	f. 47
El gallardo Avenhumeya.....	f. 55
EL GALLARDO PALMERIN. XXVIII.....	f. 87
El mejor almoralife.....	f. 9

El sol con hardientes rrayos.....	f. 155
EL SUELTO CAUELLO AL VIENTO. VI.....	f. 26
El tronco de ovas vestido.....	f. 56
En el espejo los ojos.....	f. 2
EN ESTA CARCEL TENEBROSA. XCIX.....	f. 163
Enlaçados los cauellos.....	f. 30
EN LAS ORILLAS DE TAJO. XXV.....	f. 76
EN MEDIO DE VN CAMPO SOLO. XV.....	f. 54
Ensillenme el potro rucio.....	f. 4
EN SU BALCON VNA DAMA. XXI.....	f. 70
EN TIEMPO DE AGRAUIOS. LXXXVII.....	f. 148
Ese buen Cid Canpeador.....	f. 182
Estando toda la corte.....	f. 86
ESTAUA FILIS VN DIA. C.....	f. 167
Filicio vn pobre pastor.....	f. 48
Galanes los de la corte.....	f. 98
Galatea, gloria y honrra.....	f. 49
Galiana està en Toledo labrando vna rrica manga.....	f. 34
Galiana està en Toledo señalando con el dedo.....	f. 91
HAZME, NIÑA, VN RRAMILLETE. XII.....	f. 46
Hera la noche mas fria.....	f. 160
HERMANO PERICO, BASTE YA LA FIESTA. XXXVIII.....	f. 108
Hermano Perico questàs a tu puerta.....	f. 165
Juntaronse en vna venta.....	f. 40
Jurado tiene Simocho.....	f. 153
Juramento lleuan hecho.....	f. 152
La del escriuano.....	f. 5
LA DIOSA A QUIEN SACRIFICA. V.....	f. 19
La mas bella niña.....	f. 37
La morena enamorada.....	f. 115
La niña morena.....	f. 13
LA NIÑA QUE ALLÀ EN LA FUENTE. XXXII.....	f. 92
La noble Ximena Gomez.....	f. 36
Liçaro que fue en Granada.....	f. 120
LISARDO EN SUS SOTOS MIRA. XVI.....	f. 55

Los pampanos en sarmiento.....	f. 22
LOS QUE ALGUN TIEMPO TUBISTES. XXXIII.....	f. 96
LO VERDE QUE DA EL ABRIL. IX.....	f. 38
Luchali sale huyendo.....	f. 59
Luego que al furioso turno.....	f. 106
Lleno de lagrimas tristes.....	f. 41
Mientras duermen los sentidos.....	f. 39
Mira, Çayde, que te auiso.....	f. 182
MIRANDO ESTAUA DAMON. VIII.....	f. 30
Niña de los ojos negros.....	f. 109
NIÑO AMOR, NUESTRAS PEONÇAS. XXXVII.....	f. 105
Noble desengaño	f. 25
NO MENGAÑAREYS OTRA VEZ. LXXXIX.....	f. 149
NO QUISO FILI A BELARDO. XI.....	f. 45
Ocho a ocho y diez a diez.....	f. 82
Oluidado del suceso.....	f. 63
Ortelano hera Velardo.....	f. 80
Pastorcilla de la sierra.....	f. 117
Pedro el que viuia.....	f. 42
Pensauase mi vecina.....	f. 31
Plega a Dios si a otra mira.....	f. 31
Por arrimo su albornoz.....	f. 8
Por la playa de Sanlucar.....	f. 66
POR LAS MONTAÑAS DE RONDA. XVII.....	f. 58
Por los chismes de Chamorro.....	f. 79
Por los jardines de Chipre.....	f. 57
PORQUE ME TAPAS LA BOCA. XXIX.....	f. 88
Quando de Francia partimos.....	f. 18
Quando entendi que tenia.....	f. 101
QUANDO SALE EL SOL, SEÑORA. XLVI.....	f. 122
Quando yo peno de veras.....	f. 27
QUEDAOS SO ESE PEÑASCO. XXII.....	f. 72
QUERELLÒSE ANTE EL ALCALDE. CII.....	f. 168
QUE SI VERDE ERA LA BERUENA. XCI.....	f. 150
Que te hice, vil fortuna.....	f. 159
Rauia le dè, madre.....	f. 35
Rendidas armas y vida.....	f. 90
Riño con Juanilla.....	f. 15

RISELO, PASTOR DE AGRAUIOS. XIII.....	f. 52
Ronpiendo la mar d'España.....	f. 64
Sale la estrella de Venus.....	f. 64
SEMBRADAS DEN TRECE EN TRECE. XLIII.....	f. 119
Sentado en la seca yerua.....	f. 109
SEÑORA DOÑA MARIA. XL.....	f. 116
SIN DUDA, HERMANA JUANICA. XLII.....	f. 119
Sobre moradas violetas.....	f. 34
SOBRE LOS TRES HIJOS MUERTOS. XX.....	f. 69
Soledad que aflige tanto.....	f. 158
Solos aqui en confission.....	f. 11
Sol rresplandeciente	f. 104
SUPO EL AMOR QUEN LA SCITIA. XCVI.....	f. 156
SUSPENSA ESTÀ DOÑA URRACA. XXVII.....	f. 85
Tanto Zayda y Adalifa.....	f. 113
Tenia vna biuda triste.....	f. 71
TIEMPO TURBADO Y PERDIDO. CV.....	f. 184
TIRSIS EL PASTOR AUSENTE. XXX.....	f. 89
Todos dicen que soy muerto.....	f. 83
TREBOLE OLEDERO, AMIGO. XC.....	f. 149
Tronando las nubes negras.....	f. 92
Vn grande taur de amores.....	f. 43
VENDITO SEA DIOS. XCV.....	f. 154
Vinose Ynes del aldea.....	f. 78
YA NOS MUDAMOS, MARICA. XIX.....	f. 62
YA QUE RUTILANTE FEUO. XIV.....	f. 53
YNGRATA MERISSA MIA. XXXIV.....	f. 100
YO QUE NO SE NADAR, MORENICA. XCII.....	f. 150

SONETOS

ABRÀ QUIEN COMPRE VN DON DE VN ESCUDERO. LVII....	f. 129
AL DULCE PENSAMIENTO MIO PIDO. LXX.....	f. 136
AMOR MI PECHO RROMPE, ABRASA Y YELA. LXVIII.....	f. 134
ANGEL ALMACIGADO QUE AL TUDESCO. LXII.....	f. 131
APENAS PUSE EN EL PAPEL LA MANO. II.....	h. prl. 9
AY, AUSENCIA CRUEL, AY TRAGO FUERTE. LVI.....	f. 128
Ay Dios, si yo cegara antes que os viera.....	f. 135
AY, DULCE SUEÑO Y DULCE SENTIMIENTO. LXIX.....	f. 135

BOLANDO PASSA EL AÑO SU CARRERA. XLVIII.....f.	124
BUELUE A TU NIDO QUE DE PAJAS SECAS. LXXIII.....f.	137
COMO EL QUE ESCUCHA EL SON DE LA CADENA. LVIII....f.	129
DEL YTALO, FRANCES, GRIEGO Y TROYANO. III.....h. prl.	10
DEL VAUILONIO LA MORTAL HERIDA. XLIX.....f.	124
DICHOSSE EL QUE A DO EL BIEN RREPOSA—POSSA. LXXII.f.	137
DOÑA ANA VELLA QUE LOS RRAYOS DE ORO. LXVI.....f.	133
EL OY ME MATA, EN EL MAÑANA ESPERO. L.....f.	125
EL TIEMPO ESTÀ VENGADO A COSTA MIA. LXXXV.....f.	147
EN EL SILENCIO DE LA NOCHE OSCURA. LXIII.....f.	132
HUYENDO VENGO LA ESCARCHADA NIEUE. LV.....f.	127
LIÑAN, EL PECHO NOBLE SOLO ESTIMA. LIX.....f.	130
NINGUN DOLOR YGUALA AL ACORDARSE. LXV.....f.	133
NO HERES NIEUE QUE FUERAS DERRETIDA. LXXV.....f.	138
NO TENGO CULPA YO DEL MAL QUE MUERO. LXXIV....f.	138
O TRISTE AUE QUE CON TRISTE CANTO. LXXXIV.....f.	146
O TU DEL GRAN MILAGRO CAUALLERO. LXVII.....f.	134
PROUANDO EN EL CAMPO SU DESTREÇA. LXXI.....f.	136
QUAL NIÑO TIERNO Y CAUTO QUE CONTENTO. LII.....f.	126
QUANDO LA SECA YERUA RREUERDECE. LIV.....f.	127
QUIEN DICE QUE PASSÒ EL SIGLO DORADO. LXXXIII...f.	146
SEÑOR LOPE DE VEGA, A VOS ESTIMA. LX.....f.	130
SI DE FILIS CRUEL LOS OJOS MIRO. LXI.....f.	131
Si del hombre las partes as sauido.....f.	128
SIENTOME ARDER EN VN SECRETO FUEGO. LXXXVI....f.	147
SI POR DESDEN DE HESA SERENA FRENTE. LXXVI....f.	139
SUELTA MI MANSO, PASTORCILLO ESTRANO. LIII.....f.	126
TRES VECES ABRAÇO VUESTRA FIGURA. LXIV.....f.	132
VNA DAMA SE VENDE. AY QUIEN LA QUIERA? LI.....f.	125
VIUOS SUSPIROS, YD AL PECHO FRIO. LXXVII.....f.	139

CANCIONES

DURMIENDO VNA MAÑANA CON CONTENTO. LXXVIII...f.	141
SI EN LA DISIERTA AUDENCIA. LXXX.....f.	142

CARTAS

Si como damasco vistes.....f.	21
YNGRATA LISIS TANTO COMO HERMOSA. LXXXII.....f.	143

GLOSAS

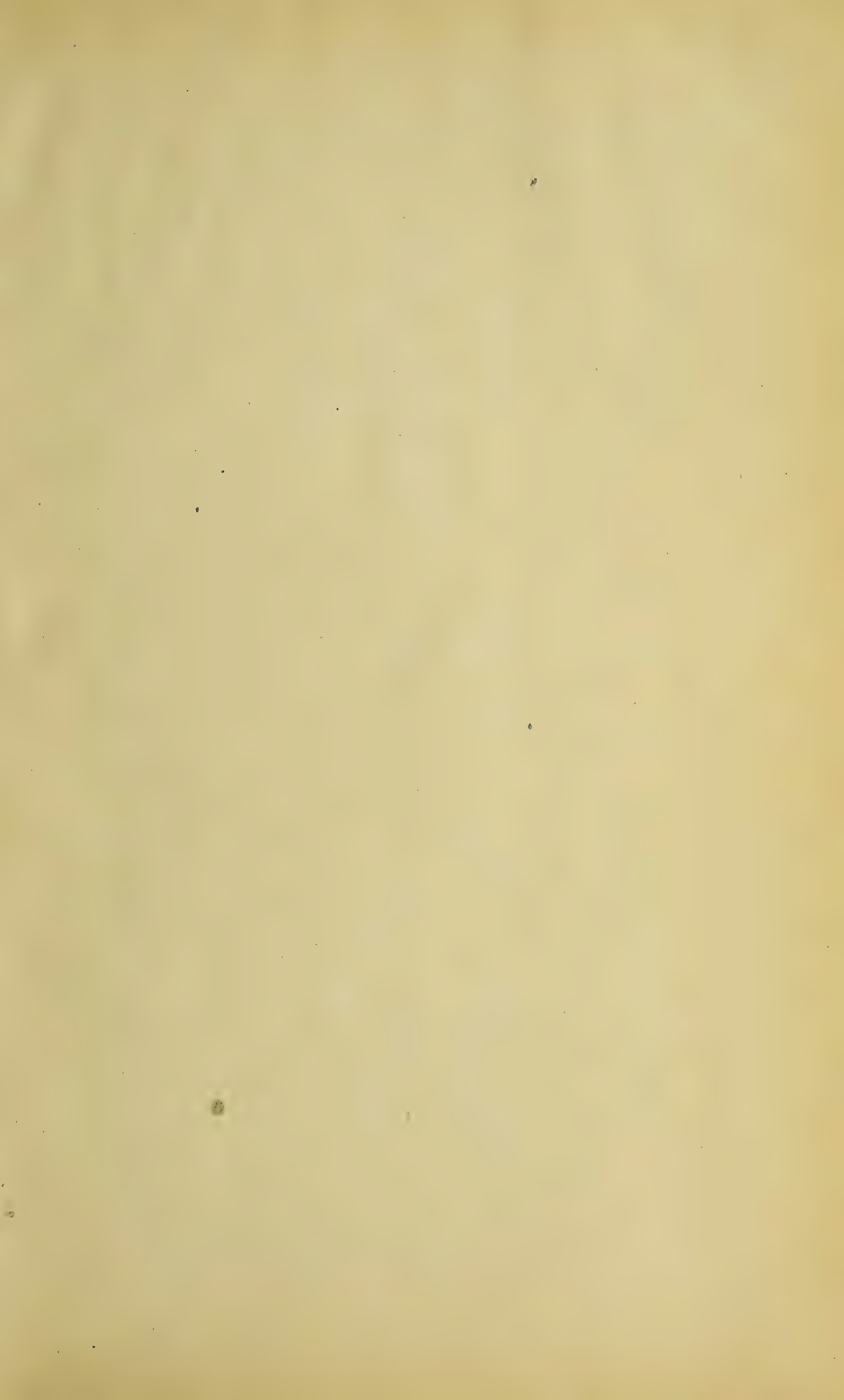
MORENICA, TENTE A LAS CLINES. CIV.....f.	180
QUIEN TUBO EN POCO EL PERDERME. XCIV.....f.	151
Seguro estoy de nuebo del contento.....f.	140

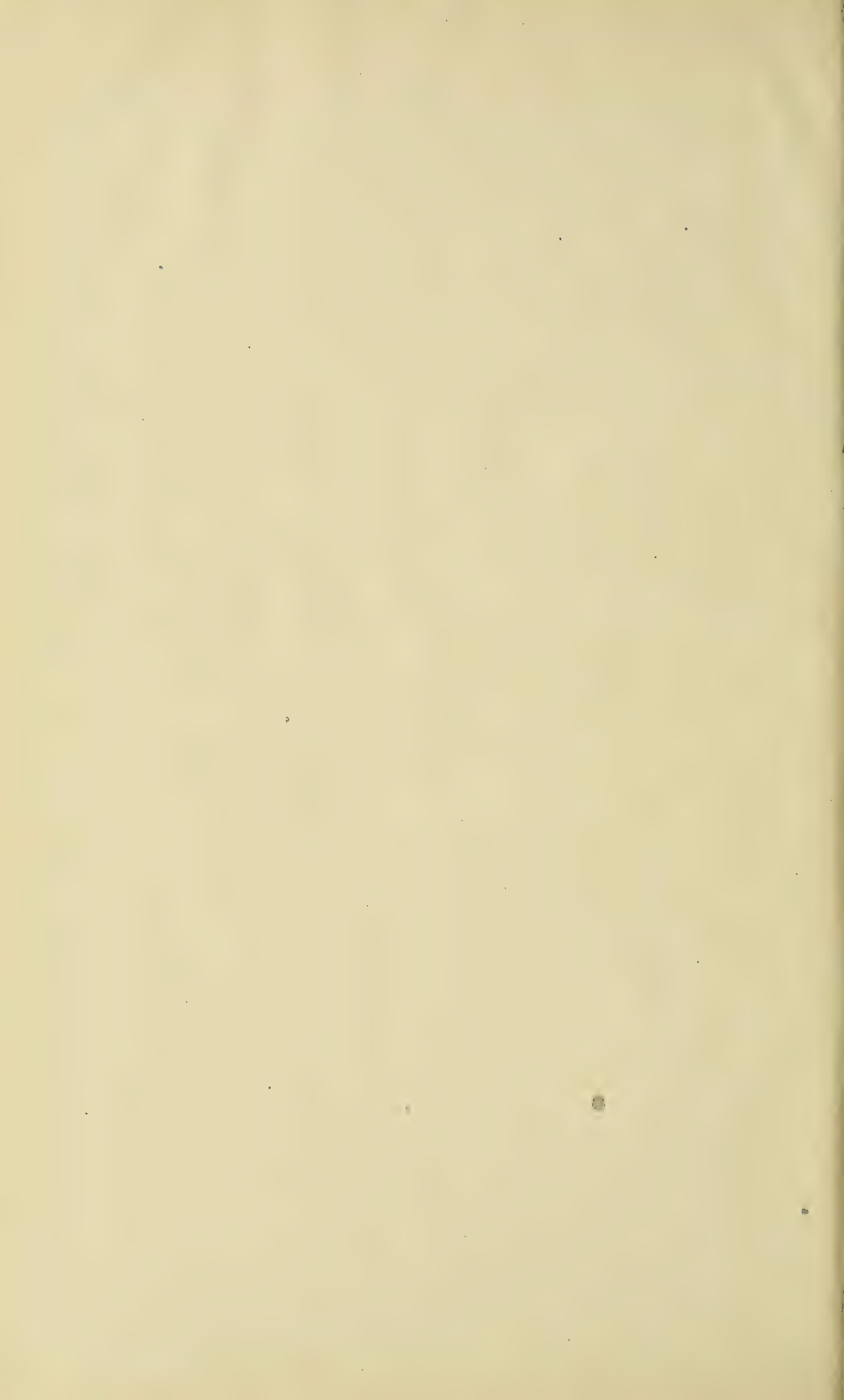
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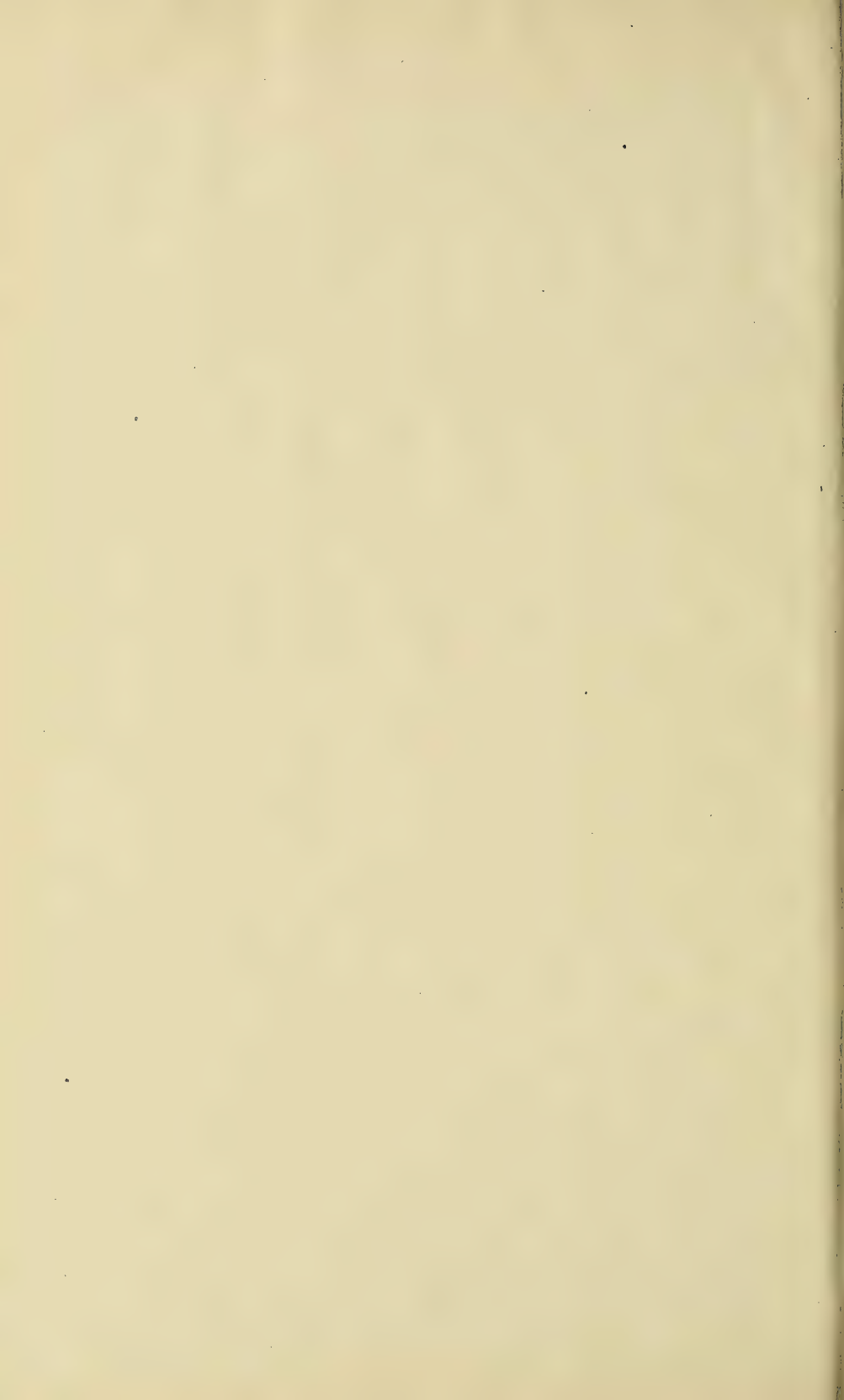
AQUI DONDE ME VES TAN POBRE Y RROTO. LXXXI.....f.	142
SU GRAN TORRE NEMBROT HEDIFICAUA. LXXIX.....f.	141
LA UIDA DEL PICARO. CIII.....f.	170

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